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MADRAS RECORD OFFICE

Government of Madras

Political DEPARTMENT

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Dated		1887.

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Roman Catholic Eccl. Patronage in India.

No. 87 Public (Ecclesiastical), dated India Office, London, the 7th October 1886.

From—Her Majesty's SECRETARY OF STATE for India.

To—His Excellency the Right Honourable the GOVERNOR GENERAL of India in Council.

I forward herewith, for the information of Your Excellency in Council, copies of the letters from the Foreign Office, noted in the margin, relative to a Convention between the Holy See and the Kingdom of Portugal for the settlement of the question of Ecclesiastical Patronage in India which has recently been signed at Rome.

Foreign Office to India Office, dated 7th July 1886, with enclosure.
Foreign Office to India Office, dated 1st September 1886.
Foreign Office to India Office, dated 2nd September 1886.
Foreign Office to India Office, dated 17th September 1886.

2. I also forward a copy of a letter (with enclosure), dated the 13th of August 1886, which has been addressed to the Prime Minister by Cardinal Manning on this subject.

Dated Foreign Office, the 7th July 1886.

From—Sir J. PAUNCEFOTE, K.C.M.G., Under Secretary of State for Foreign Affairs.

To—The UNDER SECRETARY OF STATE for India.

With reference to the letter from this office of the 18th ultimo, I am directed by the Earl of Rosebery to transmit to you herewith, to be laid before Her Majesty's Secretary of State for India in Council, a copy of a Despatch, with its enclosure, from Her Majesty's Ambassador at Rome, with reference to the Concordat recently signed at the Vatican between the Portuguese Ambassador and the Papal Secretary of State Cardinal Jacobini, for regulating the question of the right of Patronage of Portugal in the East Indies.

Sir J. Lumley, No. 186, dated 29th June.

No. 186, dated Rome, the 29th June 1886.

From—Right Honourable Sir J. SAVILE LUMLEY, G.C.B., Her Majesty's Ambassador at Rome.

To—The Earl of ROSEBERY, &c., &c.

On Wednesday 23rd instant, the new Concordat between Portugal and the Curia for regulating the question of the right of Patronage of Portugal in the East Indies was signed at the Vatican by the Portuguese Ambassador, Don Silva Ferrao de Carvalho Martens, and Royal Secretary of State, Cardinal Jacobini.

The *Moniteur de Rome* in an article, herewith enclosed, alludes to the numerous and serious difficulties which for more than half a century have prevented the conclusion of any definitive arrangement of this question for which the enlightened and pacific policy of the present Pope has now found a satisfactory solution, which, while upholding the supreme interests of Catholicism, has respected the historical traditions and the susceptibilities and desires of Portugal, a solution which it states has been very favourably received throughout the Kingdom.

The text of this Concordat has not yet been officially published.

Extract from "Le Moniteur de Rome," 25th and 26th June 1886.

LE ST. SIÈGE ET LE PORTUGAL.

Mercredi, comme nous l'avons annoncé, a été signalé au Vatican par Son Excellence M. le Sécrétaire d'Etat, de Sa Sainteté et Son Excellence l'Ambassadeur du Portugal, le nouveau Concordat qui règle la question du droit de patronage de la Couronne de Portugal aux Indes Orientales. C'est une nouvelle et glorieuse page à ajouter aux annales déjà si remplies du Pontificat de León XIII. Depuis plus d'un demi-siècle de graves et nombreuses difficultés avaient empêché la conclusion d'un accord définitif sur cette question du patronage. Quoique la force des choses exigeât une re-organisation de l'Eglise dans ces contrées, mille obstacles de tout genre s'opposaient à cette œuvre pacificatrice, les précédents historiques, les changements survenus, les susceptibilités nationales ; bref jusque-là, malgré tous les efforts, on n'avait pu trouver un terrain commun, qui conciliât les droits et les intérêts respectifs des deux parties.

Il était réservé à l'esprit éclairé et à la volonté persévérante de Leon XIII de terminer de la façon la plus pacifique et la plus heureuse ce long et épineux debat de sauvegarder les intérêts suprêmes du Catholicisme dans ces contrées en ménageant les susceptibilités du patriotisme portugais. C'est-là le grand et incontestable mérite de la solution intervenue. Le Saint Siège a tenu compte des justes desirs du Portugal, mais sans perdre de vue les légitimes exigences des vastes et nombreuses Chrétientés disséminées dans l'Hindoustan. Sans entraver une organisation plus régulière et mieux appropriée aux besoins actuels de la hiérarchie Catholique, elle flatte l'amour-propre et le patriotisme portugais. Elle rappelle, pour ainsi dire, à tous que ce généreux peuple a été le premier à porter dans ces contrées les lumières de l'Evangile et le flambeau de la civilisation Chrétienne, que si d'autres peuples sont venus, apres lui récolter la moisson, c'est lui qui, le premier, a ensemencé ce champ dont la merveilleuse fécondité nous étonne aujourd'hui.

Aussi la solution donnée à cette question du patronage a-t-elle été accueillie dans tout le Portugal avec la plus vive et la plus entière satisfaction. Une feuille officieuse, le *Comercio de Portugal* s'exprime à ce sujet, en ces termes dignes d'attention.

Animé de la meilleure volonté de nous être agréable, le Saint Père a su concilier dans les négociations autant que lui le permettaient sa haute sagesse et sa conscience éclairée, le respect pour nos droits et nos traditions historiques avec les exigences d'une situation creée déjà depuis longtemps aux Indes comme aussi avec es progrès de la foi religieuse dans ces contrées.

On ne saurait parler avec plus de vérité et de justesse.

En attendant que le texte du concordat soit publié officiellement qu'il nous suffise de dire que ce traité de paix entre une nation Catholique et le St. Siége vient fournir au monde une nouvelle preuve de la puissance morale incontestée et de l'ascendant universel de la Papauté. Mais cette œuvre pacificatrice n'est pas seulement un précieux titre de gloire pour le grand Pontife qui préside si sagement aux destinées de l'Eglise; elle honore aussi infiniment le Gouvernement qui a tenu dans cette circonstance à resserrer son entente étroite avec le St. Siège et qui a vu dans cette union un gage de prospérité et de grandeur nationale.

Dated Westminster, the 13th August 1886.

From—Henry Edward Cardinal Manning.

To—The Marquis of Salisbury, K.G., &c., &c., &c.

I am instructed by the Cardinal Secretary of State in Rome, in a letter of which I herewith transmit a copy, to communicate to Your Lordship that the negotiations between the Holy See and the Government of Portugal have been concluded and have taken the form of a *Concordat*, the nature of which is as follows :—

1. The Metropolitan See of Goa will have the three Suffragan Sees, Daman, Cranganore, and St. Thomas of Meliapour.

2. The four Vicariates of Bombay, Mangalore, Quilon, and Madura will be erected into Dioceses by the constitution of the Hierarchy, and will form a province with their Metropolitan where they will henceforth in the vacancy of any See select three names to be proposed to the Crown of Portugal to which the nomination of the Bishop is conceded.

3. Finally the Goanese or Portuguese Catholics outside of the Ecclesiastical Portuguese Province, that is, throughout the rest of British India, will depend upon the Bishops in each several locality.

The result of this Concordat, as Your Lordship will perceive, is as follows :—

1. The pretension of the Crown of Portugal to Ecclesiastical Patronage and the claim of the Archbishop of Goa to jurisdiction throughout the territory of British India is extinguished.

2. The Patronage of the Crown of Portugal and the jurisdiction of the Archbishop of Goa are restricted to the Ecclesiastical Province containing the seven Suffragan Sees above named.

3. The Crown of Portugal will have the nomination of the Metropolitan and Bishops of Bombay, Mangalore, Quilon, and Madura, but only from a list of three names presented by the Bishops of those Sees.

4. In the four Dioceses of Bombay, Mangalore, Quilon, and Madura the Portuguese or Goanese population is considerable, consisting of 103 priests and 104,500 Catholics, and this concession to the Crown of Portugal will give satisfaction, the limitation of choice to the three names will always be a sufficient security to the British Government for the character of the person nominated.

5. The abandonment of the Portuguese Patronage and jurisdiction throughout the rest of British India gives a very large security to our Government by terminating the pretensions which have hitherto caused disturbance.

6. It is intended to bring the whole state of the Church in India into Canonical order by the erection of the Hierarchy.

This summary contains in outline and in substance the effect of the *Concordat*, and is highly favourable to the peace and welfare of British India and its Government.

Dated Rome, the 21st June 1886.

From—H. E. Ludovico Cardinal Jacobini.

To—Henry Edward Cardinal Manning.

Essendosi la Santa Sede giovata per il passato dell influenza di cui qode l' Eminenza vostra presso alcuni personaggi del Governo Inglese, allo scopo dio interessalo nella vertenza del Patronato Portoghese salle Iudie Orientale, è desiderio del Santo Padre che le venga comunicato lo stato atturle delle trattative che omi volgono a termine.

Porche nei prossimi giorni sarà sotto seritto il nuovo concordato fra la S. Sede ed il Portogallo, e. perciò non remane che ratificarbo dopo la relation approvazione delle Camere.

Col nuovo concordato poi alla Sede Metropolitana di Goa, vengono aggiunte tre Diocesi Suffragance, civè Daman, Crangoanor, e S. Thomé de Meliapour. Per le quattro Diocesi di Pombay, Mangalor, Quilon, e Maduré. che verranno erette colla costituzione della Gerarchia i Vescovi della Provincia col respettivo metropolitano formeranno una terna dentro la quale la Corona Portoghese seeglierà il Vescovo che riterrà mighore. In fine i gruppi principali dei Goanesi, che rimangono fuori della Prouvinco ecclesiastica Portoghese dihenderanno rispettivamente dagli Ordinarii di esse.

Come Vostra Eminenza facilmente comprenderà le antiche pretese del Portogallo vengono per tal quisa limitate di molto, e se non, si è ottenuto tutto quello che si aveva diritto di esigere, vi è luogo a sperare che le concession della Santa Sede sarnano largamente compensate.

La fondazione di una Provincia ecclesiastica Portoghese colle relative istituzioni, la quale si è in qualche maniera ricostituita colle Diocesi Portoghesi pre esistenti, ma però in territorii peù ristretti, la celsazione della guirisdizione straordinaria, e l'alsettamento regolare di quelle cristianità mentre varrauno ad eliminare gli inconvenienti che si deploravano pel passato potranno inoltre produrre seri e positivi vantaggi.

Quello poi che più monta si è che il Portogallo laseiando libero campo alla Santa Sede in tutto il rimanente territorio delle Indie, potrà quanto, prima fondarsi colà la Gerarchia ecclesiastica. Cotesta forma rispondente alle attuali condizione ed esigenze di quelle cristianita renderà più regogliosa la vita della chiesa nelle Indie, e vi forà prosperare tutte quelle istituzioni che un organamento normale, ed uno stato di crescente vitalità sogliono produrre. Vostra Eminenza raoviserà queste disposizioni non solamente conformi ai diritti della Santa Sede, ma anche alle manifestazioni del Governo Inglese. Daltronde solla costituzione della Gerarchia mentre si provvede ad una definitiva sistemazione della chiesa nelle Indiee d'altra parte si rende manifesto il progresso religioso che mole essere argomento e cagione anche del progresso civile di un popolo.

Pertanto nel pregare Vostra Eminenza di for conosceere al Signor Gladston, quanto la S. Sede ha determinato per la sistemazione degli affari religioso nelle Indie mi valgo con piacere della opportunita per confermarle i sensi del mio profundo ossequio, con eui le bacio umilissimanente le mani.

Dated Foreign Office, London, the 1st September 1886.

From—Sir T. V. Lister, K.C.M.G., Assistant Under Secretary of State for Foreign Affairs.

To—Her Majesty's Under Secretary of State for India.

With reference to my letter of 18th June I am directed by the Secretary of State for Foreign Affairs to transmit to you, to be laid before the Secretary of State for India in Council, the accompanying copies of two despatches from Her Majesty's Minister at Lisbon, with reference to a Convention between the Holy See and Portugal respecting Ecclesiastical Patronage in the East Indies.

[Mr. Petre, Nos. 42—46.

No. 42, dated Lisbon, the 29th July 1886.

From—GEORGE G. PETRE, Esq., Her Majesty's Minister at Lisbon.

To—The EARL OF ROSEBERY.

The official Gazette of yesterday published the text in Portuguese and Italian of the Convention between the Holy See and Portugal for the settlement of the questions at issue concerning the ecclesiastical jurisdiction of the Crown of Portugal in India, which was signed at Rome on the 23rd of last month. The Royal Decree ratifying this Convention is preceded by a very lengthy Report signed by the Ministers of Marine and Foreign Affairs, and is followed by a still more voluminous Report addressed by Senõr Martens Ferrao, the Portuguese Ambassador at Rome, who is at present in Lisbon, to the Minister for Foreign Affairs, treating of the whole question historically and juridically, and minutely detailing the progress and results of the negotiations. The letters exchanged between His Holiness and the King of Portugal in the months of January and February are also published in the Gazette.

I have the honour to inclose printed copies of all the documents above-mentioned, together with a translation of the Convention itself and of the Annex which is an essential part of it.

The terms of the Agreement which has thus put an end to a long and, at times, an acrimonious conflict, will be found to be nearly identical with those described in my despatch No. 32 of the 4th June.

An arrangement which, without wounding the national pride of Portugal, very considerably curtails and strictly defines the ecclesiastical jurisdiction claimed by her within the dominions of another Power, and, at the same time, puts an end to the scandal of religious and civil conflicts between Christian communities, will probably be considered unobjectionable by the Government of India.

Extract from the "Diario do Governo" of July 28, 1886.

ROYAL DECREE.

(Translation.)

Taking into consideration the Report submitted to me by the Ministers and Secretaries of State for the Departments of Marine and Colonies and of Foreign Affairs, I hereby decree as follows :—

Article 1. The Convention signed at Rome on the 23rd June last, which, in accordance with the VIIth, Xth, XIVth, and XVIth Articles of the Concordat of the 21st February 1857, defines in a precise manner the limits of the Portuguese Bishoprics and lays down the conditions under which the exercise of the right of patronage of the Crown of Portugal in the East Indies shall continue in force, is hereby approved, and will be ratified within the period laid down in the XIIth Article of the same.

Article 2. The Government will render an account to the Cortes of the provisions contained in this Decree.

The Ministers and Secretaries of State for the Departments of Marine and Colonies and of Foreign Affairs shall accordingly carry this Decree into effect.

Given at the Palace, the 22nd July 1886.

THE KING.

(Countersigned.)

HENRIQUE DE MACEDO.

HENRIQUE DE BARROS GOMES.

Convention.

In the name of the Most Holy Trinity.

His Holiness the Supreme Pontiff Leo XIII, and His Most Faithful Majesty the King Don Lewis I., being animated with the wish to favour and further the development of the Christian communities in the East Indies, and to settle in a stable and definitive manner the patronage therein of the Portuguese Crown, have determined to make a Concordat, and for this purpose they have appointed their Plenipotentiaries, as follows: on the part of His Holiness the Most Eminent and Reverend Cardinal L. Jacobini, his Secretary of State, and on the part of His Most Faithful Majesty, His Excellency the Councillor of State, João B. da S. Ferrão de Carvalho Martens, Ambassador Extraordinary, a Peer of the Realm, and

Honorary Minister of State, who after exchanging their respective full powers, which were found in due and proper form, have agreed upon the following Articles :—

ARTICLE I.

In virtue of the ancient Papal Concessions, the exercise of the Royal patronage of the Portuguese Crown shall continue in force, in accordance with the Sacred Canons, in the Cathedral Sees in the East Indies, subject to the modifications laid down in this Concordat.

ARTICLE II.

As regards the Metropolitan and Primatial Church of Goa, the Archbishop shall continue to exercise his Metropolitan rights in the dioceses which are suffragan thereto.

The Archbishop, *pro tempore*, will, owing to the Concession kindly made by His Holiness, be raised to the high dignity of Patriarch, *ad honorem*, of the East Indies, and will moreover enjoy the privilege of presiding over the Provincial Councils throughout the East Indies, which will usually be held at Goa, saving the right of the Supreme Pontiff to rule otherwise under special circumstances.

ARTICLE III.

The Ecclesiastical and Metropolitan Province of Goa will be composed, in addition to the Metropolitan See of the three following dioceses, namely, of Damao, and of the titular See of Cranganor, of Cochin, and of St. Thomas of Meliapor.

The limits of each of these three dioceses, as well as the various places under their respective jurisdiction, will be laid down in a separate Annex.

ARTICLE IV.

The Crown of Portugal shall exercise the right of patronage in the Metropolitan Diocese of Goa and in the three suffragan dioceses.

ARTICLE V.

In view of the advantages which may accrue to the faithful from the reconstruction of the said three dioceses and from a regularly constituted ecclesiastical province, a few of the principal groups of the so-called Goanese Christian communities, of which mention is made in the Annex above-mentioned, and which are not comprised within the limits assigned to the said three dioceses, shall be annexed to the latter, with due regard to the homogeneous material and moral elements which surround them, and point out the expediency of their being joined together.

In the Goanese Missions of the other dioceses the Ordinary will give the preference to Goanese or Portuguese priests, subject to him as regards any appointments for the cure of souls.

ARTICLE VI.

The Portuguese Government on their part engage to provide for the proper endowment of the said dioceses referred to in the IIIrd Article of this Concordat, and of the Cathedral Chapters, of the clergy and of the seminaries, and to co-operate in an effectual manner with the respective Bishops for the foundation of schools, orphan asylums, and of other establishments that are requisite for the welfare of the faithful, and for the spread of the Gospel among the infidels.

ARTICLE VII.

With respect to the four dioceses of Bombay, Mangalor, Quilon, and Maduré, which will be erected on the establishment of the hierarchy in the East Indies, the Metropolitans, together with their suffragans in the event of any of the said Episcopal Sees falling vacant, and the Suffragan Bishops of the province in the event of the Archiepiscopal See falling vacant, shall, of their own free will, draw up a list of three names for communication to the Archbishop of Goa, who will forward the same to His Majesty the King of Portugal, who shall be bound to present, within the period of six months, a candidate to the Holy See selected from among the three names proposed. Should no such presentation have been made within the period of six months, the Holy See shall be at liberty to select any person it may think fit.

ARTICLE VIII.

The Archbishops and Bishops of the four dioceses mentioned in the foregoing Article, and which are to be created upon the establishment of the ecclesiastical hierarchy, shall for the first time be named by the Supreme Pontiff.

ARTICLE IX.

The Christian communities of Malacca and Singapore, which are now placed under the extraordinary jurisdiction of the Archbishop of Goa, will in future be subject to the jurisdiction of the Bishop of Macao.

ARTICLE X.

The patronage of the Crown of Portugal being thus settled, throughout the rest of the territory in the East Indies, the Holy See shall enjoy full liberty of appointing Bishops, and of adopting any measures it may deem expedient for the welfare of the faithful.

ARTICLE XI.

The former Concessions relative to the patronage of the Crown of Portugal in the East Indies having been thus modified and interpreted, the IIIrd, IVth, Vth, and VIth Articles, as well as the Annex (A) of the Concordat of the 21st February 1857, shall continue in force.

ARTICLE XII.

The present Treaty, together with its Annex, which is an integral part thereof, shall be ratified by the High Contracting Parties, and the ratifications shall be exchanged at Rome within three months from the date of the signature of the same, or sooner if possible.

(L.S.) L. CARDINAL JACOBINI.

(L.S.) JOAO B. DA S. FERRAO DE CARVALHO MARTENS.

Rome, June 23, 1886.

Annex to the Third Article of the Concordat of June 23, 1886.

I. The Patriarchal Metropolitan and Primatial See of Goa will comprise :—

1. The whole territory of the Portuguese possessions in India at present belonging to Portugal, with the exception of the districts of Damao and Diu, which will appertain to the Suffragan Diocese of Damao and Titular Diocese of Cranganor, in accordance with the IIIrd Article of this Concordat.

2. Northern Canara, with the Christian communities of either jurisdiction existing there, and which at present are the following, namely :—

Of Sadahisgor, of Sunkerry, of Karwar, of Ankola, with the Christian communities of Bingi, Chindierro, Bollingolly, Yellopor ;

Of Sirey, of Honowar, with the Christian communities of Kiroly, Boteul, Ferquembat ;

Of Chandowar and Coompta ;

Of Golmuna, with the Christian communities of Sounxim, Munkim, and Baitur ;

which will thus constitute a continuous diocesan territory under the ordinary jurisdiction of Goa.

3. The Christian communities at present existing within the above-mentioned division of territory which are now subject to the other jurisdiction will be placed under the ordinary jurisdiction of Goa.

II. The Diocese of Damao and Titular of Cranganor, now created in virtue of the VIIth Article of the Concordat of the 21st February 1857, will be thus formed :—

No. 1.

1. Of the districts of Damao and Diu, at present under the ordinary jurisdiction of the Archbishop of Goa ;

2. Of that part of the district of Broach lying to the south of the River Norhadda, and of the district of Surat ;

3. Of the district of Northern Kenkam;

4. Of the actual "varado" (territorial deanery) of the Islands of Salcate and Trombay;

5. Of the actual "varado" (territorial deanery) of Baçaim;

which will thus constitute a continuous diocesan territory subject to the ordinary jurisdiction of the diocese.

6. The under-mentioned Christian communities and establishments at present under the jurisdiction of the Vicar-Apostolic are excepted :—

In the district of Surat, the churches and parishes of Surat and Balsar.

In the Islands of Salcete and Trombay, the churches and whole parishes of Marolis and of Maucy in the Island of Trombay, at present under the jurisdiction of the Vicar-Apostolic, together with the establishments under the said jurisdiction appertaining thereto.

In Bandora, the church at present under the jurisdiction of the Vicar-Apostolic, with St. Stanislaus' Institute and St. Joseph's Convent, which already belong to him, as well as the churches of Juven, Condotina, and Culven, which are likewise under the jurisdiction of the Vicar-Apostolic.

7. In order to prevent any confusion, it is hereby declared that, in the actual "varados" (territorial deaneries, Nos. 4 and 5) of Salcete and Baçaim, the whole of the Christian communities, which are at present subject to the jurisdiction of the Arch-Diocese of Goa, shall, in future, continue to be subject to the ordinary jurisdiction of the Diocese of Damao; the Christian communities which are excepted in No. 6 not being at present under the jurisdiction of Goa.

No. 2.

The whole of the Christian communities, together with the churches, chapels, and establishments belonging to them, as well as their property and revenues in the City and Island of Bombay, which are at present under the jurisdiction of the Archbishop of Goa, shall also, in future, belong to the Diocese of Damao; for the sake of clearness they are named here, as follows :—

1. Masagao, together with the church and establishments belonging to it, and with the Chapel of St. Francis Xavier at Colaba, as well as the establishments appertaining thereto;
2. St. Francis Xavier at Dalbul;
3. Caval (Our Lady of Dolours), with the chapel at Lonpoor;
4. Upper Mahim (St. Michael's), with the Chapel of Good Counsel at Sion, as well as the school appertaining thereto;
5. Lower Mahim (Our Lady of Salvation), together with the chapels of Matenga and Parel, as well as the college and schools annexed thereto;

III. The limits of the Diocese of Cochin—Suffragan to Goa—are fixed as follows, and will comprise :—

No. 1.

1. The City of Cochin, together with all the Christian communities, churches, and chapels, as well as any other establishments appertaining thereto.

2. The following districts, with the Christian communities therein, subject to either jurisdiction, namely :—

Maltanchery and Amarambady (subject to the jurisdiction of the Archbishop and of the Vicar-Apostolic).

Pallaruti (under the jurisdiction of the Vicar-Apostolic).

Idacochi, Arus, Punuguto, and Perumpadippu.

Manasherry (St. Lewis).

Manasherry (St. Michael).

Caunnamale.

Candacadavuy.

Combalanganguy.

Chellanam (St. Sebastian).

Chellanam (St. George).

Pollitodu.

Truvine (subject to the jurisdiction of the Vicar-Apostolic and of the Archbishop).

Manacudam and Toveur.

Pallipuram.

Bendurti and Tevere.

Tanghi.

Arthungal (St. George).

Arthungal (St. Andrew), and Mararicolam and Chetti.

Mararicolam (under the jurisdiction of the Archbishop of Goa).

Kattur (Archbishop's jurisdiction).

Aleppi (jurisdiction of the Archbishop and of the Vicar-Apostolic).

Vattalunyhal (Archbishop's jurisdiction).

Pungavu (jurisdiction of Vicar-Apostolic).

Tumboly (jurisdiction of the Archbishop and of the Vicar-Apostolic).

No. 2.

In the actual Apostolic Vicariate of Quilon the under-mentioned Christian communities :—

1. Aravola ;
2. Caringolam ;
3. Pontorré ;
4. Tutur ;
5. Waliatowe ;
6. Velli ;

including the whole of the churches, chapels, establishments, property and revenues appertaining thereto.

IV. The limits of the Diocese of St. Thomas of Meliapor—Suffragan to Goa—are fixed as follows :—

No. 1.

1. The city of St. Thomas of Meliapor, with all its Christian communities subject to either jurisdiction, and with those of St. Thomas' Mount, including the churches, chapels, and establishments appertaining thereto, and also at

Palavaram, and

Cavelung and Chinglepett ;

with the following boundaries :—On the east the Gulf of Bengal ; on the north, Edward Elliot's Road and St. George's Cathedral Road ; on the west, the road from Madras to Congeveran as far as the River Palar ; on the south, the River Palar as far as the sea ; the whole of which will thus constitute a continuous diocesan territory.

2. In the actual Apostolic Vicariate of Maduré :—

The Christian communities subject to either jurisdiction, including the whole of the churches, chapels, as well as any other establishments appertaining thereto that are situated in the districts of

Tangiore ;

Rigapatam ; and

Manargudi ;

the boundaries being on the east, the Gulf of Bengal ; on the north, the rivers called Vettar and Vemar ; on the west and south the several limits of the districts of Tangiore, Manargudi, and Nizagapatam, which will thus constitute a continuous diocesan territory.

No. 2.

1. All the Christian communities, churches, chapels, as well as any other establishments appertaining thereto, together with the properties and revenues of the same at Calcutta and at Dacca or Daka, which are at present under the jurisdiction of the Portuguese Vicar-General of Bengal, and which for the sake of clearness are mentioned here, namely :—

Boitakanah, in the city of Calcutta ;

Chinzurah ;

Bandel, in the district of Hooghly, together with the schools appertaining thereto.

At Dacca or Daka, the Christian communities of Dacca (Our Lady of Mercy);

Tesgao (Our Lady of the Rosary);

Nagory (St. Nicholas' Tolentine);

Hosnabad (Our Lady of the Rosary);

with the Christian communities which are at present either annexed to or dependent thereon;

Shibpur (Our Lady of Guidance)

likewise, with the Christian communities which are at present either annexed to or dependent thereon.

2. The Christian communities, together with their churches and chapels now exclusively subject to the jurisdiction of the Archbishop of Goa, and situated within the actual limits of the Vicariate Apostolic of Maduré.

As regards the small villages therein under the two jurisdictions, the two Bishops of St. Thomas and of Maduré will draw up equitable proposals, in order that the Holy See and the patron may decide to which of the two jurisdictions they shall be subject for the future.

V. Although the declaration has already been made, nevertheless, for greater clearness, and in order to obviate any doubts for the future, it is hereby declared that whenever this Annex treats of Christian communities, it is understood that it means all the churches, chapels, as well as any other establishments that may be annexed to or dependent upon the same, together with the whole of their property and revenues.

Compensation will be given for any property belonging either to Portugal or to the Vicars-Apostolic at any places that may be mutually ceded. These matters shall be settled by the respective Bishops and Vicars-Apostolic by whom they are to be submitted to the consideration of the Holy See and of the Portuguese Government.

L. CARDINAL JACOBINI.

JOAO B. DE S. FERRAO DE CARVALHO MARTENS.

Rome, 23rd June 1886.

No. 46, dated Lisbon, the 5th August 1886.

From—GEORGE G. PETRE, Esq., Her Majesty's Minister at Lisbon,

To—The EARL OF IDDESLEIGH.

Supplementing my despatch No. 42 of the 29th ultimo to the Earl of Rosebery, I have the honour to inclose translation of those portions of the Reports signed respectively by the Ministers for Foreign Affairs and Marine, and by Senhor Martens Ferrão, the Portuguese Ambassador to the Holy See, which were published at the same time as the Convention concluded between the latter and Portugal on the 3rd June last, in which special reference is made to Great Britain.

M. de Barros Gomes states the case fairly enough in admitting that the Portuguese patronage was always contested as a right by the British Government, but was tolerated so long as a good understanding prevailed on the subject between Portugal and the Holy See. M. Martens Ferrão, however, goes much farther than this, and, as a jurist, upholds the Treaty right of Portugal from an international point of view, and even adds that not a single jurist will be found to maintain a contrary opinion. This is, to say the least, a very bold assertion; and, as the attitude of Her Majesty's Government has been one of complete neutrality as between Portugal and the Vatican, it is not very clear what purpose it served to make it.

I have always maintained in my conversations with the Ministers for Foreign Affairs and others that the Treaty of Bombay did nothing more than guarantee the free exercise of their religion and the fullest religious toleration to the Roman Catholic population, whose allegiance was transferred by that Treaty to the British Crown, and that I did not see now it was possible to construe it into a recognition of the ecclesiastical jurisdiction of Portugal over the whole territory of Hindoostan, not a foot of which at the time, except the Island of Bombay, belonged to England.

Extract from the "Diario do Governo" of July 28, 1886.

(Translation.)

Extract from the Report of the Ministers of Marine and Foreign Affairs relative to the Convention between the Holy See and Portugal, with reference to Portuguese Ecclesiastical Patronage in the East Indies, signed at Rome, June 23, 1886.

In addition to the complex causes which in Portugal, at the Vatican, and in India had placed the ancient and venerable right of patronage in that violent condition, there were others at times of an international nature which were extremely delicate, and connected the probable fate of the patronage with the vicissitudes of politics and of parties in a foreign nation. The traditional attitude of that nation with regard to religious matters might recognize that right of patronage as a matter of fact so long as a good understanding was maintained between Portugal and the Supreme Pontiff, but always contesting it as a right, and not tolerating it as the origin, as it might be, and as it then was, up to a certain point, of dissensions and of disturbances of the public peace in the vast empire placed under her dominion.

Extract from the Report of Senhor Martens Ferrão, Portuguese Ambassador to the Vatican, respecting the Negotiations for the Covention signed by him at Rome, June 23, 1886.

Lisbon, July 15, 1886.

2. England, as a non-Catholic country, ever since she put an end to ancient contentions, has kept entirely aloof from all questions of Catholic jurisdiction in her vast and differently situated possessions, as well as in Great Britain. The reason of this is both historical and administrative. It is not my business to discuss this historical point, or to analyze the special features of English administration, which is in accordance with the character and conditions of the people over whom it rules.

In the Memoranda which I presented to the Holy See, especially in the one of the 15th February, I mentioned several facts that had occurred in Hindostan of great importance as regards this matter.

In this place I shall only state, in a few words, that the regular exercise of Portuguese patronage in Hindoostan is based, as far as England is concerned, upon the obligatory force of Treaties as well as upon tradition, and upon an uninterrupted possession up to the present.

I must observe as a principle that the recognition of the patronage is made on the part of the Holy See, because its effects are solely and purely canonical; and, as the Supreme Pontiff freely governs the various Churches and Missions, he can, as he has always done, recognize the canonic title-deeds of the existing patronage, and accept the exercise of the same, as it is *de jure* accepted.

But this, which is a general doctrine, in view of the manner in which England accepts the free administration of the Catholic Church, is based, as regards the Portuguese patronage in India, on the right of Treaties.

In the Bombay Treaty of the 23rd June 1661, which is subsequent to the establishment of all the patronage bishoprics in India, as I have shown, the following stipulation is made in the XIth Article :—

"The inhabitants of the said island (as the King of Great Britain's subjects, and under his sovereignty, Crown, jurisdiction, and Government) being suffered still to live there, and enjoy the free exercise of the Roman Catholic religion, in the same manner as they now do, it being understood and declared once for all that the same order shall be observed for the exercise and preservation of the Roman Catholic religion in Tangier, and all other places which shall be delivered by the King of Portugal into the possession of the King of Great Britain, as was provided for and agreed upon, the delivery of Dunkirk into the hands of the English," &c.

As Catholicity was not at the time received either in England or in her dominions, it is clear that the carrying out of that condition depended upon the maintenance of the Portuguese ecclesiastical hierarchical order in those regions, as existing at that time, that is to say, provided by the patron, and organized in the various Portuguese dioceses, as had long been the case, verily the legal *statu quo* not only at Bombay, but throughout the whole of India.

In the record of the delivery of Bombay on the 18th February, 1665, as transcribed in Mr. Biker's collection, the following declaration is to be found :—

" Item que não se intrometterão os Senhores Inglezes nas materias da fé nem obrigarão os moradores da dita ilha de Bombaim, nem directa nem indirecta a muder de crença, nem de ouvir suas predicas, e deixarão aos ministros ecclesiasticos

exercitar suo juridicão, sem impedimento algum, por ses esta condição expressa nós capitulos da paz, e debaixo da qual seilhes mandar fazer a entrega; e fazendo em algum tempo o contrario se entenderá que quebraram o assentado e promettido, e recairá o direito da dita ilha para a Coroa de Portugal."

"Item that the English shall not concern themselves in matters of faith nor oblige the inhabitants of the said Island of Bombaim directly or indirectly to alter their belief, nor to come to hear their sermons. And they shall let the ecclesiastical ministers exercise their jurisdiction without any disturbance, this express condition being in the Articles of peace, and under it the delivery is commanded to be made to them, and they doing at any time to the contrary, it shall be understood a breach of what is let down and promised, and the right of the said Island shall return to the Crown of Portugal."

And further on :—

"Item que aos parochos e religiosos que assistem em Bombaim se terá todo o respeito devido e promettido, e as igrejas não serão tomadas para uso algum, nem n'ellas se façam predicas, e aos que o intentarem, se de o castigo devido que sirva de exemplo."

"Likewise that due respect, as promised, shall be shown to the parish priests and friars residing at Bombay, and that the churches shall not be seized for any purpose, and that no sermons shall be preached therein, and that any persons attempting to do so shall be duly punished so as to serve as an example."

In the work named "Quadro elementar das Relações Politicas e Diplomaticas de Portugal com as diversas Potencias do Mundo" ("Schedule of the Political and Diplomatic Relations between Portugal and other Nations of the World"), the following passage is to be found in the part relating to this period, which I transcribe :—

"16 de Agosto de 1663. Carta regia mandada excutar em nome das conveniencias'particulares do Estado da India. Por ella se declaron formal e explicitamente a reserva que fazia a Coroa de Portugal *in perpetuum*, do padroado com todas as regalias que até entáo gozára, acrescentando que os pleitos civis dos Christãos Catholicos seriam decididos com assistencia do, feitor que el Rei de Portugal nomeasse, e ordenando que só quando elle o julgasse necessario teria logar a appellacão para as justiças Inglezas, correndo o processo perante ellas, mas sempre na lingua Portugueza."

"16th August, 1663. Royal letter ordered to be carried into effect in view of the special expediency of the State of India. The reservation made by the Crown of Portugal *in perpetuum* of the patronage, together with all the privileges enjoyed up to that time, is formally and explicitly declared therein, and it is added that the civil suits of the Christian Catholics would be decided in the presence of the factor appointed by the King of Portugal, and commanding that no appeal should be made to the English Judges unless he should deem it necessary, in which case the suits would be pleaded before them, but always in the Portuguese language."

The same document gave the assurance that the British Government would treat us with perfect friendship in every place, as if the two nations in India formed one only nation, and that for this purpose assistance would be rendered in every respect in order to carry into effect the Decrees of the Crown of Portugal.

The Royal letter also added that the actual vicars and their successors would be appointed by the Prelate of Goa as until then, and that the churches of Bombay would continue under the Royal patronage with all the rights and privileges thereunto appertaining, His Majesty reserving the same for himself and his successor absolutely and for ever, in such a manner that any infraction of this principal Article would render all the other clauses of the first Treaty and of the recent Convention—to which the foregoing Articles concerning the delivery had reference—null and void, so that, should any one of the same be either broken or altered, the whole should be looked upon as revoked, and the whole right of sovereignty over the Island of Bombay would again revert to the Crown of Portugal.

The said author, in referring to the aforementioned deed of the delivery of Bombay, as quoted in Mr. Biker's collections, says that the same is to be found in the Public Library at Evora, MSS. Cod : CXVI—39, p. 305.

Senhor Conselheiro Barrosé Sá, in a very learned speech delivered by him at a sitting of the Chamber of Peers during the last Session treated this matter at great length.

With regard to this subject, the Convention between Antonio de Mello e Castro, Viceroy of the States of Portuguese India, and Abraham Thepman, Governor of British India, relative to the delivery of Bombay, may also be consulted; it is to be found in the General Register of the Office of the State of Goa, in accordance with the above-quoted reference.

Consequently, the provisions of the Treaty of 1661—the conditions of which constitute a legal onus—the explicit condition set forth at great length in the authentic Royal letter of 1663, of which I have quoted the substance, as well as the official record of the possession taken, likewise transcribed, are incontestible documents in support of the Portuguese rights. These express documents regulate the mutual rights and obligations of the parties concerned. But above all these documents there is the fact which constitutes a right in international law—that is, the long and peaceable possession of the full exercise of the Portuguese patronage in all the cathedral churches of Hindoostan, and in all the Christian communities dependent thereon, founded on a lawfull title both evident and recognized; which possession has, moreover, been uninterruptedly exercised both before and after the establishment of the British dominion. This fact, even if those documents did not exist at all, would, *per se*, constitute a legal right which could not be impugned *boná fide*. Ancient and modern writers on international law such as Watel, Hoefter, Bluntschli, Calvo, Martens, and others are quite agreed upon this point.

Even if those diplomatic documents, which are a most valid proof that a respect for the Portuguese patronage in India was made a condition for the dominions and rights ceded in the Treaty of 1661 did not exist at all, the uninterrupted possession of a fact based upon Concessions granted by the Holy See subject to onerous obligations, carried on without opposition and in a peaceable manner for centuries in the churches of India, would exhibit all the characteristics of a tacit Treaty, and would therefore constitute, as regards Portugal, a real title based on international law. Not a single legist will be found to maintain a contrary opinion.

Dated Foreign Office, London, the 2nd September 1886.

From—Sir T. V. LISTER, K.C.M.G., Assistant Under Secretary of State for Foreign Affairs.

To—Her Majesty's UNDER SECRETARY OF STATE for India.

With reference to my letter of the 1st instant, I am directed by the Earl of Iddesleigh to state to you, for the information of the Secretary of State for India in Council, that Her Majesty's Ambassador at Rome reports, under date of the 20th ultimo, that he has been informed by the Portuguese Chargé d' Affaires to the Holy See that he signed on the 16th ultimo, with Cardinal Jacobini the Ratifications of the Concordat recently concluded between Portugal and the Vatican, for the regulation of Ecclesiastical Jurisdiction in the East Indies.

Dated Foreign Office, London, the 17th September 1886.

From—Sir T. V. LISTER, K.C.M.G., Assistant Under Secretary of State for Foreign Affairs.

To—Her Majesty's UNDER SECRETARY OF STATE for India.

With reference to my letter of the 2nd instant, I am directed by the Secretary of State for Foreign Affairs to transmit to you, to be laid before the Secretary of State for India in Council, copy of a despatch as marked in the margin relating to the Concordat between Portugal and the Vatican.

Sir J. Lumley, No. 232, dated 27th August 1886.

No. 232, dated Rome, the 27th August 1886.

From—Right Hon'ble Sir J. S. LUMLEY, G.C.B., Her Majesty's Ambassador at Rome.

To—The EARL OF IDDESLEIGH.

I have the honour to inclose herewith copy of the Concordat concluded between the Holy See and Portugal, which was signed on the 23rd June by Cardinal Jacobini and the Portugese Envoy to the Vatican, Don Silva Ferrao de Carvalho Martens, and which has been published in the "Moniteur de Rome" of this date.

Extract from "Le Moniteur de Rome" of August 26, 1886.

Concordat stipulé le 23 Juin, 1886, entre le Saint-Siège et le Portugal.

Au nom de la Très Sainte Trinité.

SA Sainteté le Souverain Pontife Léon XIII et Sa Majesté Très Fidèle le Roi Dom Louis I, animés du désir de favoriser les progrès du Christianisme aux Indes Orientales, et d'y régler d'une manière stable et définitive le Patronat de la Couronne de Portugal, ont résolu de faire un Concordat. Ils ont nommé à cet effet

deux Plénipotentiaires, c'est-à-dire, au nom de Sa Sainteté, l'Eccellentissime et Reverentissime Cardinal Ludovic Jacobini, son Secrétaire-d'Etat, et, au nom de Sa Majesté Très Fidèle, son Excellence M. Jean-Baptiste da Silva Ferrão de Carvalho Martens, Ambassadeur Extraordinaire et Ministre d'Etat honoraire ; lesquels, ayant échangé leurs pleins pouvoirs respectifs, et les ayant trouvés en bonne et due forme, sont convenus d' adopter les Articles suivants :—

ARTICLE I.

En vertu des anciennes concessions Pontificales, l'exercice du Patronat de la Couronne de Portugal sera continué, conformément aux règles canoniques, dans les Eglises Cathédrales des Indes Orientales, d'après les modifications énoncées dans le présent Concordat.

ARTICLE II.

Quant à l'Eglise Métropolitaine et 'Primatiale de Goa, l'Archevêque continuera d'exercer ses droits de Métropolitain dans les diocèses suffragants.

Par une bienveillante concession de Sa Sainteté, l'Archevêque *pro tempore* sera élevé à la dignité de Patriarche *ad honorem* des Indes Orientales, et il jouira, en outre, du privilège de présider les conciles nationaux de toutes les Indes Orientales, lesquels se réuniront d'ordinaire à Goa, sauf le droit du Pape d'en disposer autrement dans des circonstances particulières.

ARTICLE III.

La province ecclésiastique de Goa sera composée, outre le siège Métropolitain des trois diocèses de Damau ayant aussi le titre de Cranganor, de Cochin, et de Saint Thomé de Meliapor.

Les limites de ces trois diocèses et les lieux qui leur sont sujets seront indiqués dans une feuille séparée.

ARTICLE IV.

Dans le diocèse Métropolitain de Goa, de même que dans les trois diocèses suffragants, le droit de Patronat sera exercé par la Couronne de Portugal.

ARTICLE V.

En vue des avantages qui, par suite de la reconstitution des trois diocèses sus-indiqués, et, partant, d'une province ecclésiastique régulière, pourront résulter en faveur des fidèles de ces contrées, il reste convenu que quelques-uns des groupes principaux des Chrétientés Goanaises, tels qu'ils sont indiqués dans une annexe spéciale, bien que n'étant pas compris dans les limites des trois diocèses susmentionnés, y seront néanmoins agrégés, eu égard aux éléments matériels et moraux d'homogénéité qui les assimilent a ces mêmes diocèses.

Dans les missions Goanaises des autres diocèses, l'Ordinaire devra confier de préférence le soin des âmes à des prêtres Goanais ou Portugais relevant de son autorité.

ARTICLE VI.

Le Gouvernement Portugais prend l'engagement de pourvoir a la dotation convenable des diocèses susmentionnés, des chapîtres, du clergé, et des séminaires, et il coopérera d'une manière efficace à seconder l'action des Évêques, pour fonder des écoles, des orphelinats, et d'autres institutions requises pour le bien des fidèles et l'évangélisation des païens.

ARTICLE VII.

Pour les quatre diocèses de Bombay, Mangalor, Quilon, et Maduré, qui seront érigés par l'institution de la hiérarchie aux Indes, les Métropolitains avec les Évêques suffragants, à la vacance des sièges épiscopaux, de même que, à la vacance du siège archiépiscopal, les suffragants de la province formeront une *terne* à leur libre choix et la communiqueront à l'Archevêque de Goa, qui la remettra à la Couronne, et celle-ci devra présenter au Saint-Siège un candidat, sur les trois compris dans la *terne*, dans un délai de six mois, après lequel la liberté du choix est dévolue au Saint-Siège.

ARTICLE VIII.

Le Souverain Pontife nommera pour la première fois lès Archevêques et les Évêques des quatre diocèses indiqués à l'Article précédent, diocèses qui seront fondés dès qu'aura lieu la constitution de la hiérarchie ecclésiastique.

ARTICLE IX.

Les Chrétientés de Malacca et de Singapour, actuellement dépendantes de la juridiction extraordinaire de l'Archevêque de Goa, seront sujettes à la juridiction de l'Evêque de Macao.

ARTICLE X.

Le Patronat de la Couronne étant ainsi réglé le Saint-Siege jouira, dans tout le territoire restant des Indes Orientales, de la pleine liberté de nommer les Evêques et de prendre les résolutions qu'il croira opportunes pour le bien des fidèles.

ARTICLE XI.

Les concessions précédentes relatives au Patronat de la Couronne aux Indes Orientales étant modifiées et interprétées de la sorte, les Articles 3, 4, 5, 6, et l'Annexe A du Concordat de 1857 restent en vigueur.

ARTICLE XII.

Le présent Traité avec son annexe, qui en forme partie intégrante, sera ratifié par les Hautes Parties Contractantes, et les ratifications seront échangées à Rome, dans le terme de trois mois à dater de la signature, ou avant si c'est possible.

Rome, le 23 *Juin,* 1886.

L. Card. JACOBINI.

JEAN-BAPTISTE DE SILVA FERRAO DE CARVALHO MARTENS.

Government of India Central Printing Office.—No. 999 B. D.—1-3-87.—300.

Exd.——W. B. G.

No. 101 (Public—Ecclesiastical), dated India Office, London, the 4th November 1886.

From—Her Majesty's SECRETARY OF STATE for India.

To—His Excellency the Right Honourable the GOVERNOR GENERAL of India in Council.

IN continuation of my Despatch of the 7th ultimo, No. 87, I transmit copy of a further letter* from the Foreign Office, with enclosure, on the subject of the Concordat recently concluded at Rome respecting the Roman Catholic Ecclesiastical Patronage in India.

* Dated 29th September 1886, and enclosure.

2. With reference to the Despatch from the Government of Bombay, dated the 13th ultimo, No. 7, I request that Your Excellency in Council will inform that Government, in connection with any communication Your Government may address to them on the subject of this Concordat, that I have received and forwarded to the Foreign Office a copy of the petition from certain Parishioners of the Roman Catholic Churches in Bombay, Salsette, and Bassein protesting against their subjection in ecclesiastical matters to the spiritual jurisdiction of the Crown of Portugal and of Bishops appointed by that Power.

Dated Foreign Office, the 29th September 1886.

From—Sir T. V. LISTER, K.C.M.G., Assistant Under Secretary of State for Foreign Affairs.

To—Her Majesty's UNDER SECRETARY OF STATE for India.

WITH reference to my letter of the 1st instant, I am directed by the Secretary of State for Foreign Affairs to transmit to you, to be laid before the Secretary of State for India in Council, a copy of a Despatch, as marked in the margin, relating to a petition addressed to the King of Portugal by the Roman Catholic inhabitants of Ceylon against the ratification of the Papal-Portuguese Convention respecting Ecclesiastical Patronage in India which was signed at Rome on the 23rd of June last.

Mr. Petre, No. 52, dated 30th August 1886.

No. 52, dated Lisbon, the 30th August 1886.

(Received 3rd September.)

From—Mr. GEORGE G. PETRE.

To—The EARL OF IDDESLEIGH.

A PETITION purporting to be signed by 1,500 of the Roman Catholic inhabitants of Ceylon against that portion of the Concordat signed at Rome on the 23rd June last, which excludes Ceylon from the spiritual jurisdiction of the Primate of Goa, has been sent to the King of Portugal. It is dated Colombo, 29th July. I do not think it worth while troubling Your Lordship with a translation of this lengthy document, in which His Most Faithful Majesty is asked to withhold a ratification which has already taken place. The petitioners not only extol the merits of the Goanese Clergy, and deplore their deprivation of the blessings of the Portuguese Patronage, but they speak in most disparaging terms of the Vicars-Apostolic and the Clergy under their jurisdiction. They even go so far as to say that it would be "cruel and intolerable" to place them under that "abominable yoke."

Whatever blessings the Portuguese Patronage may have conferred, Christian charity, as far as these petitioners are concerned, does not appear to be one of them.

No.

No. 87, dated 7th October 1886.

COPY, with copy of the Despatch marginally noted, forwarded to the Government of $\frac{\text{Madras}}{\text{Bombay}}$ for information, in continuation of Home Department endorsement No. $\frac{2}{2}\frac{1}{1}\frac{7}{8}$, dated 6th August 1886.

By Order,

HOME DEPARTMENT,
(ECCLESIASTICAL);
Calcutta, the . January 1887.

J. P. HEWETT,

Offg. Under Secy. to the Govt. of India.

Government of India Central Printing Office.—No. 998 H. D.—19-1-87.—93.

Exd.—N. C. D.

No. 87 Public (Ecclesiastical), dated India Office, London, the 7th October 1886.

From—Her Majesty's SECRETARY OF STATE for India.

To—His Excellency the Right Honourable the GOVERNOR GENERAL of India in Council.

Foreign Office to India Office, dated 7th July 1886, with enclosure.
Foreign Office to India Office, dated 1st September 1886.
Foreign Office to India Office, dated 2nd September 1886.
Foreign Office to India Office, dated 17th September 1886.

I forward herewith, for the information of Your Excellency in Council, copies of the letters from the Foreign Office, noted in the margin, relative to a Convention between the Holy See and the Kingdom of Portugal for the settlement of the question of Ecclesiastical Patronage in India which has recently been signed at Rome.

2. I also forward a copy of a letter (with enclosure), dated the 13th of August 1886, which has been addressed to the Prime Minister by Cardinal Manning on this subject.

Dated Foreign Office, the 7th July 1886.

From—Sir J. PAUNCEFOTE, K.C.M.G., Under Secretary of State for Foreign Affairs.

To—The UNDER SECRETARY OF STATE for India.

Sir J. Lumley, No. 186, dated 29th June.

With reference to the letter from this office of the 18th ultimo, I am directed by the Earl of Rosebery to transmit to you herewith, to be laid before Her Majesty's Secretary of State for India in Council, a copy of a Despatch, with its enclosure, from Her Majesty's Ambassador at Rome, with reference to the Concordat recently signed at the Vatican between the Portuguese Ambassador and the Papal Secretary of State Cardinal Jacobini, for regulating the question of the right of Patronage of Portugal in the East Indies.

No. 186, dated Rome, the 29th June 1886.

From—Right Honourable Sir J. SAVILE LUMLEY, G.C.B., Her Majesty's Ambassador at Rome.

To—The Earl of ROSEBERY, &c., &c.

On Wednesday 23rd instant, the new Concordat between Portugal and the Curia for regulating the question of the right of Patronage of Portugal in the East Indies was signed at the Vatican by the Portuguese Ambassador, Don Silva Ferrao de Carvalho Martens, and Royal Secretary of State, Cardinal Jacobini.

The *Moniteur de Rome* in an article, herewith enclosed, alludes to the numerous and serious difficulties which for more than half a century have prevented the conclusion of any definitive arrangement of this question for which the enlightened and pacific policy of the present Pope has now found a satisfactory solution, which, while upholding the supreme interests of Catholicism, has respected the historical traditions and the susceptibilities and desires of Portugal, a solution which it states has been very favourably received throughout the Kingdom.

The text of this Concordat has not yet been officially published.

Extract from "Le Moniteur de Rome," 25th and 26th June 1886.

LE ST. SIÈGE ET LE PORTUGAL.

Mercredi, comme nous l'avons annoncé, a été signalé au Vatican par Son Excellence M. le Sécrétaire d'Etat, de Sa Sainteté et Son Excellence l'Ambassadeur du Portugal, le nouveau Concordat qui règle la question du droit de patronage de la Couronne de Portugal aux Indes Orientales. C'est une nouvelle et glorieuse page à ajouter aux annales déjà si remplies du Pontificat de León XIII. Depuis plus d'un demi-siècle de graves et nombreuses difficultés avaient empêché la conclusion d'un accord définitif sur cette question du patronage. Quoique la force des choses exigeât une re-organisation de l'Eglise dans ces contrées, mille obstacles de tout genre s'opposaient à cette œuvre pacificatrice, les précédents historiques, les changements survenus, les susceptibilités nationales ; bref jusque-là, malgré tous les efforts, on n'avait pu trouver un terrain commun, qui conciliât les droits et les intérêts respectifs des deux parties.

Il était réservé à l'esprit éclairé et à la volonté persévérante de Leon XIII de terminer de la façon la plus pacifique et la plus heureuse ce long et épineux debat de sauvegarder les intérêts suprêmes du Catholicisme dans ces contrées en ménageant les susceptibilités du patriotisme portugais. C'est-là le grand et incontestable mérite de la solution intervenue. Le Saint Siège a tenu compte des justes desirs du Portugal, mais sans perdre de vue les légitimes exigences des vastes et nombreuses Chrétientés disséminées dans l'Hindoustan. Sans entraver une organisation plus régulière et mieux appropriée aux besoins actuels de la hiérarchie Catholique, elle flatte l'amour-propre et le patriotisme portugais. Elle rappelle, pour ainsi dire, à tous que ce généreux peuple a été le premier à porter dans ces contrées les lumières de l'Evangile et le flambeau de la civilisation Chrétienne, que si d'autres peuples sont venus, apres lui récolter la moisson, c'est lui qui, le premier, a ensemencé ce champ dont la merveilleuse fécondité nous étonne aujourd'hui.

Aussi la solution donnée à cette question du patronage a-t-elle été accueillie dans tout le Portugal avec la plus vive et la plus entière satisfaction. Une feuille officieuse, le *Comercio de Portugal* s'exprime à ce sujet, en ces termes dignes d'attention.

Animé de la meilleure volonté de nous être agréable, le Saint Père a su concilier dans les négociations autant que lui le permettaient sa haute sagesse et sa conscience éclairée, le respect pour nos droits et nos traditions historiques avec les exigences d'une situation creée déjà depuis longtemps aux Indes comme aussi avec es progrès de la foi religieuse dans ces contrées.

On ne saurait parler avec plus de vérité et de justesse.

En attendant que le texte du concordat soit publié officiellement qu'il nous suffise de dire que ce traité de paix entre une nation Catholique et le St. Siége vient fournir au monde une nouvelle preuve de la puissance morale incontestée et de l'ascendant universel de la Papauté. Mais cette œuvre pacificatrice n'est pas seulement un précieux titre de gloire pour le grand Pontife qui préside si sagement aux destinées de l'Eglise; elle honore aussi infiniment le Gouvernement qui a tenu dans cette circonstance à resserrer son entente étroite avec le St. Siège et qui a vu dans cette union un gage de prospérité et de grandeur nationale.

Dated Westminster, the 13th August 1886.

From—Henry Edward Cardinal Manning.

To—The Marquis of Salisbury, K.G., &c., &c., &c.

I am instructed by the Cardinal Secretary of State in Rome, in a letter of which I herewith transmit a copy, to communicate to Your Lordship that the negotiations between the Holy See and the Government of Portugal have been concluded and have taken the form of a *Concordat*, the nature of which is as follows :—

1. The Metropolitan See of Goa will have the three Suffragan Sees, Daman, Cranganore, and St. Thomas of Meliapour.

2. The four Vicariates of Bombay, Mangalore, Quilon, and Madura will be erected into Dioceses by the constitution of the Hierarchy, and will form a province with their Metropolitan where they will henceforth in the vacancy of any See select three names to be proposed to the Crown of Portugal to which the nomination of the Bishop is conceded.

3. Finally the Goanese or Portuguese Catholics outside of the Ecclesiastical Portuguese Province, that is, throughout the rest of British India, will depend upon the Bishops in each several locality.

The result of this Concordat, as Your Lordship will perceive, is as follows :—

1. The pretension of the Crown of Portugal to Ecclesiastical Patronage and the claim of the Archbishop of Goa to jurisdiction throughout the territory of British India is extinguished.

2. The Patronage of the Crown of Portugal and the jurisdiction of the Archbishop of Goa are restricted to the Ecclesiastical Province containing the seven Suffragan Sees above named.

3. The Crown of Portugal will have the nomination of the Metropolitan and Bishops of Bombay, Mangalore, Quilon, and Madura, but only from a list of three names presented by the Bishops of those Sees.

4. In the four Dioceses of Bombay, Mangalore, Quilon, and Madura the Portuguese or Goanese population is considerable, consisting of 103 priests and 104,500 Catholics, and this concession to the Crown of Portugal will give satisfaction, the limitation of choice to the three names will always be a sufficient security to the British Government for the character of the person nominated.

5. The abandonment of the Portuguese Patronage and jurisdiction throughout the rest of British India gives a very large security to our Government by terminating the pretensions which have hitherto caused disturbance.

6. It is intended to bring the whole state of the Church in India into Canonical order by the erection of the Hierarchy.

This summary contains in outline and in substance the effect of the *Concordat*, and is highly favourable to the peace and welfare of British India and its Government.

Dated Rome, the 21st June 1886.

From—H. E. LUDOVICO CARDINAL JACOBINI.

To—HENRY EDWARD CARDINAL MANNING.

Essendosi la Santa Sede giovata per il passato dell influenza di cui qode l' Eminenza vostra presso alcuni personaggi del Governo Inglese, allo scopo dio interessalo nella vertenza del Patronato Portoghese salle Indie Orientale, è desiderio del Santo Padre che le venga comunicato lo stato atturle delle trattative che omi volgono a termine.

Porche nei prossimi giorni sarà sotto seritto il nuovo concordato fra la S. Sede ed il Portogallo, e perciò non remane che ratificarbo dopo la relation approvazione delle Camere.

Col nuovo concordato poi alla Sede Metropolitana di Goa, vengono aggiunte tre Diocesi Suffragance, civè Daman, Crangoanor, e S. Thomé de Meliapour. Per le quattro Diocesi di Pombay, Mangalor, Quilon, e Maduré. che verranno erette colla costituzione della Gerarchia i Vescovi della Provincia col respettivo metropolitano formeranno una terna dentro la quale la Corona Portoghese seeglierà il Vescovo che riterrà mighore. In fine i gruppi principali dei Goanesi, che rimangono fuori della Prouvinco ecclesiastica Portoghese dihenderanno rispettivamente dagli Ordinarii di esse.

Come Vostra Eminenza facilmente comprenderà le antiche pretese del Portogallo vengono per tal quisa limitate di molto, e se non, si è ottenuto tutto quello che si aveva diritto di esigere, vi è luogo a sperare che le concession della Santa Sede sarnano largamente compensate.

La fondazione di una Provincia ecclesiastica Portoghese colle relative istituzioni, la quale si è in qualche maniera ricostituita colle Diocesi Portoghesi pre esistenti, ma però in territorii peù ristretti, la celsazione della guirisdizione straordinaria, e l'alsettamento regolare di quelle cristianità mentre varrauno ad eliminare gli inconvenienti che si deploravano pel passato potranno inoltre produrre seri e positivi vantaggi.

Quello poi che più monta si è che il Portogallo laseiando libero campo alla Santa Sede in tutto il rimanente territorio delle Indie, potrà quanto, prima fondarsi colà la Gerarchia ecclesiastica. Cotesta forma rispondente alle attuali condizione ed esigenze di quelle cristianita renderà più regogliosa la vita della chiesa nelle Indie, e vi forà prosperare tutte quelle istituzioni che un organamento normale, ed uno stato di crescente vitalità sogliono produrre. Vostra Eminenza raoviserà queste disposizioni non solamente conformi ai diritti della Santa Sede, ma anche alle manifestazioni del Governo Inglese. Daltronde solla costituzione della Gerarchia mentre si provvede ad una definitiva sistemazione della chiesa nelle Indiee d'altra parte si rende manifesto il progresso religioso che mole essere argomento e cagione anche del progresso civile di un popolo.

Pertanto nel pregare Vostra Eminenza di for conosceere al Signor Gladston, quanto la S. Sede ha determinato per la sistemazione degli affari religioso nelle Indie mi valgo con piacere della opportunita per confermarle i sensi del mio profundo ossequio, con eui le bacio umilissimauente le mani.

Dated Foreign Office, London, the 1st September 1886.

From—Sir T. V. LISTER, K.C.M.G., Assistant Under Secretary of State for Foreign Affairs.

To—Her Majesty's UNDER SECRETARY OF STATE for India.

With reference to my letter of 18th June I am directed by the Secretary of State for Foreign Affairs to transmit to you, to be laid before the Secretary of State for India in Council, the accompanying copies of two despatches from Her Majesty's Minister at Lisbon, with reference to a Convention between the Holy See and Portugal respecting Ecclesiastical Patronage in the East Indies.

[Mr. Petre, Nos. 42—46.

No. 42, dated Lisbon, the 29th July 1886.

From—GEORGE G. PETRE, Esq., Her Majesty's Minister at Lisbon.

To—The EARL OF ROSEBERY.

The official Gazette of yesterday published the text in Portuguese and Italian of the Convention between the Holy See and Portugal for the settlement of the questions at issue concerning the ecclesiastical jurisdiction of the Crown of Portugal in India, which was signed at Rome on the 23rd of last month. The Royal Decree ratifying this Convention is preceded by a very lengthy Report signed by the Ministers of Marine and Foreign Affairs, and is followed by a still more voluminous Report addressed by Senōr Martens Ferrao, the Portuguese Ambassador at Rome, who is at present in Lisbon, to the Minister for Foreign Affairs, treating of the whole question historically and juridically, and minutely detailing the progress and results of the negotiations. The letters exchanged between His Holiness and the King of Portugal in the months of January and February are also published in the Gazette.

I have the honour to inclose printed copies of all the documents above-mentioned, together with a translation of the Convention itself and of the Annex which is an essential part of it.

The terms of the Agreement which has thus put an end to a long and, at times, an acrimonious conflict, will be found to be nearly identical with those described in my despatch No. 32 of the 4th June.

An arrangement which, without wounding the national pride of Portugal, very considerably curtails and strictly defines the ecclesiastical jurisdiction claimed by her within the dominions of another Power, and, at the same time, puts an end to the scandal of religious and civil conflicts between Christian communities, will probably be considered unobjectionable by the Government of India.

Extract from the "Diario do Governo" of July 28, 1886.

ROYAL DECREE.

(Translation.)

Taking into consideration the Report submitted to me by the Ministers and Secretaries of State for the Departments of Marine and Colonies and of Foreign Affairs, I hereby decree as follows:—

Article 1. The Convention signed at Rome on the 23rd June last, which, in accordance with the VIIth, Xth, XIVth, and XVIth Articles of the Concordat of the 21st February 1857, defines in a precise manner the limits of the Portuguese Bishoprics and lays down the conditions under which the exercise of the right of patronage of the Crown of Portugal in the East Indies shall continue in force, is hereby approved, and will be ratified within the period laid down in the XIIth Article of the same.

Article 2. The Government will render an account to the Cortes of the provisions contained in this Decree.

The Ministers and Secretaries of State for the Departments of Marine and Colonies and of Foreign Affairs shall accordingly carry this Decree into effect.

Given at the Palace, the 22nd July 1886.

THE KING.

(Countersigned.)

HENRIQUE DE MACEDO.

HENRIQUE DE BARROS GOMES.

Convention.

In the name of the Most Holy Trinity.

His Holiness the Supreme Pontiff Leo XIII, and His Most Faithful Majesty the King Don Lewis I., being animated with the wish to favour and further the development of the Christian communities in the East Indies, and to settle in a stable and definitive manner the patronage therein of the Portuguese Crown, have determined to make a Concordat, and for this purpose they have appointed their Plenipotentiaries, as follows: on the part of His Holiness the Most Eminent and Reverend Cardinal L. Jacobini, his Secretary of State, and on the part of His Most Faithful Majesty, His Excellency the Councillor of State, João B. da S. Ferrão de Carvalho Martens, Ambassador Extraordinary, a Peer of the Realm, and

Honorary Minister of State, who after exchanging their respective full powers, which were found in due and proper form, have agreed upon the following Articles :—

ARTICLE I.

In virtue of the ancient Papal Concessions, the exercise of the Royal patronage of the Portuguese Crown shall continue in force, in accordance with the Sacred Canons, in the Cathedral Sees in the East Indies, subject to the modifications laid down in this Concordat.

ARTICLE II.

As regards the Metropolitan and Primatial Church of Goa, the Archbishop shall continue to exercise his Metropolitan rights in the dioceses which are suffragan thereto.

The Archbishop, *pro tempore*, will, owing to the Concession kindly made by His Holiness, be raised to the high dignity of Patriarch, *ad honorem*, of the East Indies, and will moreover enjoy the privilege of presiding over the Provincial Councils throughout the East Indies, which will usually be held at Goa, saving the right of the Supreme Pontiff to rule otherwise under special circumstances.

ARTICLE III.

The Ecclesiastical and Metropolitan Province of Goa will be composed, in addition to the Metropolitan See of the three following dioceses, namely, of Damao, and of the titular See of Cranganor, of Cochin, and of St. Thomas of Meliapor.

The limits of each of these three dioceses, as well as the various places under their respective jurisdiction, will be laid down in a separate Annex.

ARTICLE IV.

The Crown of Portugal shall exercise the right of patronage in the Metropolitan Diocese of Goa and in the three suffragan dioceses.

ARTICLE V.

In view of the advantages which may accrue to the faithful from the reconstruction of the said three dioceses and from a regularly constituted ecclesiastical province, a few of the principal groups of the so-called Goanese Christian communities, of which mention is made in the Annex above-mentioned, and which are not comprised within the limits assigned to the said three dioceses, shall be annexed to the latter, with due regard to the homogeneous material and moral elements which surround them, and point out the expediency of their being joined together.

In the Goanese Missions of the other dioceses the Ordinary will give the preference to Goanese or Portuguese priests, subject to him as regards any appointments for the cure of souls.

ARTICLE VI.

The Portuguese Government on their part engage to provide for the proper endowment of the said dioceses referred to in the IIIrd Article of this Concordat, and of the Cathedral Chapters, of the clergy and of the seminaries, and to co-operate in an effectual manner with the respective Bishops for the foundation of schools, orphan asylums, and of other establishments that are requisite for the welfare of the faithful, and for the spread of the Gospel among the infidels.

ARTICLE VII.

With respect to the four dioceses of Bombay, Mangalor, Quilon, and Maduré, which will be erected on the establishment of the hierarchy in the East Indies, the Metropolitans, together with their suffragans in the event of any of the said Episcopal Sees falling vacant, and the Suffragan Bishops of the province in the event of the Archiepiscopal See falling vacant, shall, of their own free will, draw up a list of three names for communication to the Archbishop of Goa, who will forward the same to His Majesty the King of Portugal, who shall be bound to present, within the period of six months, a candidate to the Holy See selected from among the three names proposed. Should no such presentation have been made within the period of six months, the Holy See shall be at liberty to select any person it may think fit.

ARTICLE VIII.

The Archbishops and Bishops of the four dioceses mentioned in the foregoing Article, and which are to be created upon the establishment of the ecclesiastical hierarchy, shall for the first time be named by the Supreme Pontiff.

ARTICLE IX.

The Christian communities of Malacca and Singapore, which are now placed under the extraordinary jurisdiction of the Archbishop of Goa, will in future be subject to the jurisdiction of the Bishop of Macao.

ARTICLE X.

The patronage of the Crown of Portugal being thus settled, throughout the rest of the territory in the East Indies, the Holy See shall enjoy full liberty of appointing Bishops, and of adopting any measures it may deem expedient for the welfare of the faithful.

ARTICLE XI.

The former Concessions relative to the patronage of the Crown of Portugal in the East Indies having been thus modified and interpreted, the IIIrd, IVth, Vth, and VIth Articles, as well as the Annex (A) of the Concordat of the 21st February 1857, shall continue in force.

ARTICLE XII.

The present Treaty, together with its Annex, which is an integral part thereof, shall be ratified by the High Contracting Parties, and the ratifications shall be exchanged at Rome within three months from the date of the signature of the same, or sooner if possible.

(L.S.) L. CARDINAL JACOBINI.

(L.S.) JOAO B. DA S. FERRAO DE CARVALHO MARTENS.

Rome, June 23, 1886.

Annex to the Third Article of the Concordat of June 23, 1886.

I. The Patriarchal Metropolitan and Primatial See of Goa will comprise :—

1. The whole territory of the Portuguese possessions in India at present belonging to Portugal, with the exception of the districts of Damao and Diu, which will appertain to the Suffragan Diocese of Damao and Titular Diocese of Cranganor, in accordance with the IIIrd Article of this Concordat.

2. Northern Canara, with the Christian communities of either jurisdiction existing there, and which at present are the following, namely :—

Of Sadahisgor, of Sunkerry, of Karwar, of Ankola, with the Christian communities of Bingi, Chindierro, Bollingolly, Yellopor ;

Of Sircy, of Honowar, with the Christian communities of Kiroly, Boteul, Ferquembat ;

Of Chandowar and Coompta ;

Of Golmuna, with the Christian communities of Sounxim, Munkim, and Baitur ;

which will thus constitute a continuous diocesan territory under the ordinary jurisdiction of Goa.

3. The Christian communities at present existing within the above-mentioned division of territory which are now subject to the other jurisdiction will be placed under the ordinary jurisdiction of Goa.

II. The Diocese of Damao and Titular of Cranganor, now created in virtue of the VIIth Article of the Concordat of the 21st February 1857, will be thus formed :—

No. 1.

1. Of the districts of Damao and Diu, at present under the ordinary jurisdiction of the Archbishop of Goa;

2. Of that part of the district of Broach lying to the south of the River Norhadda, and of the district of Surat;

3. Of the district of Northern Kenkam;

4. Of the actual "varado" (territorial deanery) of the Islands of Salcate and Trombay;

5. Of the actual "varado" (territorial deanery) of Baçaim;

which will thus constitute a continuous diocesan territory subject to the ordinary jurisdiction of the diocese.

6. The under-mentioned Christian communities and establishments at present under the jurisdiction of the Vicar-Apostolic are excepted :—

In the district of Surat, the churches and parishes of Surat and Balsar.

In the Islands of Salcete and Trombay, the churches and whole parishes of Marolis and of Maucy in the Island of Trombay, at present under the jurisdiction of the Vicar-Apostolic, together with the establishments under the said jurisdiction appertaining thereto.

In Bandora, the church at present under the jurisdiction of the Vicar-Apostolic, with St. Stanislaus' Institute and St. Joseph's Convent, which already belong to him, as well as the churches of Juven, Condotina, and Culven, which are likewise under the jurisdiction of the Vicar-Apostolic.

7. In order to prevent any confusion, it is hereby declared that, in the actual "varados" (territorial deaneries, Nos. 4 and 5) of Salcete and Baçaim, the whole of the Christian communities, which are at present subject to the jurisdiction of the Arch-Diocese of Goa, shall, in future, continue to be subject to the ordinary jurisdiction of the Diocese of Damao; the Christian communities which are excepted in No. 6 not being at present under the jurisdiction of Goa.

No. 2.

The whole of the Christian communities, together with the churches, chapels, and establishments belonging to them, as well as their property and revenues in the City and Island of Bombay, which are at present under the jurisdiction of the Archbishop of Goa, shall also, in future, belong to the Diocese of Damao; for the sake of clearness they are named here, as follows :—

1. Masagao, together with the church and establishments belonging to it, and with the Chapel of St. Francis Xavier at Colaba, as well as the establishments appertaining thereto;
2. St. Francis Xavier at Dalbul;
3. Caval (Our Lady of Dolours), with the chapel at Lonpoor;
4. Upper Mahim (St. Michael's), with the Chapel of Good Counsel at Sion, as well as the school appertaining thereto;
5. Lower Mahim (Our Lady of Salvation), together with the chapels of Matenga and Parel, as well as the college and schools annexed thereto;

III. The limits of the Diocese of Cochin—Suffragan to Goa—are fixed as follows, and will comprise :—

No. 1.

1. The City of Cochin, together with all the Christian communities, churches, and chapels, as well as any other establishments appertaining thereto.

2. The following districts, with the Christian communities therein, subject to either jurisdiction, namely :—

Maltanchery and Amarambady (subject to the jurisdiction of the Archbishop and of the Vicar-Apostolic).

Pallaruti (under the jurisdiction of the Vicar-Apostolic).

Idacochi, Arus, Punuguto, and Perumpadippu.

Manasherry (St. Lewis).

Manasherry (St. Michael).

Caunnamale.

Caudacadavuy.

Combalanganguy.

Chellanam (St. Sebastian).

Chellanam (St. George).

Pollitodu.

Truvine (subject to the jurisdiction of the Vicar-Apostolic and of the Archbishop).

Manacudam and Toveur.

Pallipuram.

Bendurti and Tevere.

Tanghi.

Arthungal (St. George).

Arthungal (St. Andrew), and Mararicolam and Chetti.

Mararicolam (under the jurisdiction of the Archbishop of Goa).

Kattur (Archbishop's jurisdiction).

Aleppi (jurisdiction of the Archbishop and of the Vicar-Apostolic).

Vattalunyhal (Archbishop's jurisdiction).

Pungavu (jurisdiction of Vicar-Apostolic).

Tumboly (jurisdiction of the Archbishop and of the Vicar-Apostolic).

No. 2.

In the actual Apostolic Vicariate of Quilon the under-mentioned Christian communities :—

1. Aravola ;
2. Caringolam ;
3. Pontorré ;
4. Tutur ;
5. Waliatowe ;
6. Velli ;

including the whole of the churches, chapels, establishments, property and revenues appertaining thereto.

IV. The limits of the Diocese of St. Thomas of Meliapor—Suffragan to Goa—are fixed as follows :—

No. 1.

1. The city of St. Thomas of Meliapor, with all its Christian communities subject to either jurisdiction, and with those of St. Thomas' Mount, including the churches, chapels, and establishments appertaining thereto, and also at

Palavaram, and

Cavelung and Chinglepett ;

with the following boundaries :—On the east the Gulf of Bengal; on the north, Edward Elliot's Road and St. George's Cathedral Road ; on the west, the road from Madras to Congeveran as far as the River Palar ; on the south, the River Palar as far as the sea ; the whole of which will thus constitute a continuous diocesan territory.

2. In the actual Apostolic Vicariate of Maduré :—

The Christian communities subject to either jurisdiction, including the whole of the churches, chapels, as well as any other establishments appertaining thereto that are situated in the districts of

Tangiore ;

Rigapatam ; and

Manargudi ;

the boundaries being on the east, the Gulf of Bengal ; on the north, the rivers called Vettar and Vemar ; on the west and south the several limits of the districts of Tangiore, Manargudi, and Nizagapatam, which will thus constitute a continuous diocesan territory.

No. 2.

1. All the Christian communities, churches, chapels, as well as any other establishments appertaining thereto, together with the properties and revenues of the same at Calcutta and at Dacca or Daka, which are at present under the jurisdiction of the Portuguese Vicar-General of Bengal, and which for the sake of clearness are mentioned here, namely :—

Boitakanah, in the city of Calcutta ;

Chinzurah ;

Bandel, in the district of Hooghly, together with the schools appertaining thereto.

At Dacca or Daka, the Christian communities of Dacca (Our Lady of Mercy);

Tesgao (Our Lady of the Rosary);

Nagory (St. Nicholas' Tolentine);

Hosnabad (Our Lady of the Rosary);

with the Christian communities which are at present either annexed to or dependent thereon;

Shibpur (Our Lady of Guidance)

likewise, with the Christian communities which are at present either annexed to or dependent thereon.

2. The Christian communities, together with their churches and chapels now exclusively subject to the jurisdiction of the Archbishop of Goa, and situated within the actual limits of the Vicariate Apostolic of Maduré.

As regards the small villages therein under the two jurisdictions, the two Bishops of St. Thomas and of Maduré will draw up equitable proposals, in order that the Holy See and the patron may decide to which of the two jurisdictions they shall be subject for the future.

V. Although the declaration has already been made, nevertheless, for greater clearness, and in order to obviate any doubts for the future, it is hereby declared that whenever this Annex treats of Christian communities, it is understood that it means all the churches, chapels, as well as any other establishments that may be annexed to or dependent upon the same, together with the whole of their property and revenues.

Compensation will be given for any property belonging either to Portugal or to the Vicars-Apostolic at any places that may be mutually ceded. These matters shall be settled by the respective Bishops and Vicars-Apostolic by whom they are to be submitted to the consideration of the Holy See and of the Portuguese Government.

L. CARDINAL JACOBINI.

JOAO B. DE S. FERRAO DE CARVALHO MARTENS.

Rome, 23rd June 1886.

No. 46, dated Lisbon, the 5th August 1886.

From—George G. Petre, Esq., Her Majesty's Minister at Lisbon.

To—The Earl of Iddesleigh.

Supplementing my despatch No. 42 of the 29th ultimo to the Earl of Rosebery, I have the honour to inclose translation of those portions of the Reports signed respectively by the Ministers for Foreign Affairs and Marine, and by Senhor Martens Ferrão, the Portuguese Ambassador to the Holy See, which were published at the same time as the Convention concluded between the latter and Portugal on the 3rd June last, in which special reference is made to Great Britain.

M. de Barros Gomes states the case fairly enough in admitting that the Portuguese patronage was always contested as a right by the British Government, but was tolerated so long as a good understanding prevailed on the subject between Portugal and the Holy See. M. Martens Ferrão, however, goes much farther than this, and, as a jurist, upholds the Treaty right of Portugal from an international point of view, and even adds that not a single jurist will be found to maintain a contrary opinion. This is, to say the least, a very bold assertion; and, as the attitude of Her Majesty's Government has been one of complete neutrality as between Portugal and the Vatican, it is not very clear what purpose it served to make it.

I have always maintained in my conversations with the Ministers for Foreign Affairs and others that the Treaty of Bombay did nothing more than guarantee the free exercise of their religion and the fullest religious toleration to the Roman Catholic population, whose allegiance was transferred by that Treaty to the British Crown, and that I did not see now it was possible to construe it into a recognition of the ecclesiastical jurisdiction of Portugal over the whole territory of Hindoostan, not a foot of which at the time, except the Island of Bombay, belonged to England.

Extract from the "Diario do Governo" of July 28, 1886.

(Translation.)

Extract from the Report of the Ministers of Marine and Foreign Affairs relative to the Convention between the Holy See and Portugal, with reference to Portuguese Ecclesiastical Patronage in the East Indies, signed at Rome, June 23, 1886.

In addition to the complex causes which in Portugal, at the Vatican, and in India had placed the ancient and venerable right of patronage in that violent condition, there were others at times of an international nature which were extremely delicate, and connected the probable fate of the patronage with the vicissitudes of politics and of parties in a foreign nation. The traditional attitude of that nation with regard to religious matters might recognize that right of patronage as a matter of fact so long as a good understanding was maintained between Portugal and the Supreme Pontiff, but always contesting it as a right, and not tolerating it as the origin, as it might be, and as it then was, up to a certain point, of dissensions and of disturbances of the public peace in the vast empire placed under her dominion.

Extract from the Report of Senhor Martens Ferrão, Portuguese Ambassador to the Vatican, respecting the Negotiations for the Covention signed by him at Rome, June 23, 1886.

Lisbon, July 15, 1886.

2. England, as a non-Catholic country, ever since she put an end to ancient contentions, has kept entirely aloof from all questions of Catholic jurisdiction in her vast and differently situated possessions, as well as in Great Britain. The reason of this is both historical and administrative. It is not my business to discuss this historical point, or to analyze the special features of English administration, which is in accordance with the character and conditions of the people over whom it rules.

In the Memoranda which I presented to the Holy See, especially in the one of the 15th February, I mentioned several facts that had occurred in Hindostan of great importance as regards this matter.

In this place I shall only state, in a few words, that the regular exercise of Portuguese patronage in Hindoostan is based, as far as England is concerned, upon the obligatory force of Treaties as well as upon tradition, and upon an uninterrupted possession up to the present.

I must observe as a principle that the recognition of the patronage is made on the part of the Holy See, because its effects are solely and purely canonical; and, as the Supreme Pontiff freely governs the various Churches and Missions, he can, as he has always done, recognize the canonic title-deeds of the existing patronage, and accept the exercise of the same, as it is *de jure* accepted.

But this, which is a general doctrine, in view of the manner in which England accepts the free administration of the Catholic Church, is based, as regards the Portuguese patronage in India, on the right of Treaties.

In the Bombay Treaty of the 23rd June 1661, which is subsequent to the establishment of all the patronage bishoprics in India, as I have shown, the following stipulation is made in the XIth Article:—

"The inhabitants of the said island (as the King of Great Britain's subjects, and under his sovereignty, Crown, jurisdiction, and Government) being suffered still to live there, and enjoy the free exercise of the Roman Catholic religion, in the same manner as they now do, it being understood and declared once for all that the same order shall be observed for the exercise and preservation of the Roman Catholic religion in Tangier, and all other places which shall be delivered by the King of Portugal into the possession of the King of Great Britain, as was provided for and agreed upon, the delivery of Dunkirk into the hands of the English," &c.

As Catholicity was not at the time received either in England or in her dominions, it is clear that the carrying out of that condition depended upon the maintenance of the Portuguese ecclesiastical hierarchical order in those regions, as existing at that time, that is to say, provided by the patron, and organized in the various Portuguese dioceses, as had long been the case, verily the legal *statu quo* not only at Bombay, but throughout the whole of India.

In the record of the delivery of Bombay on the 18th February, 1665, as transcribed in Mr. Biker's collection, the following declaration is to be found:—

" Item que não se intrometterão os Senhores Inglezes nas materias da fé nem obrigarão os moradores da dita ilha de Bombaim, nem directa nem indirecta a muder de crença, nem de ouvir suas predicas, e deixarão aos ministros ecclesiasticos

exercitar suo juridicão, sem impedimento algum, por ses esta condição expressa nós capitulos da paz, e debaixo da qual seilhes mandar fazer a entrega; e fazendo em algum tempo o contrario se entenderá que quebraram o assentado e promettido, e recairá o direito da dita ilha para a Coroa de Portugal."

"Item that the English shall not concern themselves in matters of faith nor oblige the inhabitants of the said Island of Bombaim directly or indirectly to alter their belief, nor to come to hear their sermons. And they shall let the ecclesiastical ministers exercise their jurisdiction without any disturbance, this express condition being in the Articles of peace, and under it the delivery is commanded to be made to them, and they doing at any time to the contrary, it shall be understood a breach of what is let down and promised, and the right of the said Island shall return to the Crown of Portugal."

And further on :—

"Item que aos parochos e religiosos que assistem em Bombaim se terá todo o respeito devido e promettido, e as igrejas não serão tomadas para uso algum, nem n'ellas se façam predicas, e aos que o intentarem, se de o castigo devido que sirva de exemplo."

"Likewise that due respect, as promised, shall be shown to the parish priests and friars residing at Bombay, and that the churches shall not be seized for any purpose, and that no sermons shall be preached therein, and that any persons attempting to do so shall be duly punished so as to serve as an example."

In the work named "Quadro elementar das Relações Politicas e Diplomaticas de Portugal com as diversas Potencias do Mundo" ("Schedule of the Political and Diplomatic Relations between Portugal and other Nations of the World"), the following passage is to be found in the part relating to this period, which I transcribe :—

"16 de Agosto de 1663. Carta regia mandada excutar em nome das conveniencias'particulares do Estado da India. Por ella se declaron formal e explicitamente a reserva que fazia a Coroa de Portugal *in perpetuum*, do padroado com todas as regalias que até então gozára, acrescentando que os pleitos civis dos Christãos Catholicos seriam decididos com assistencia do, feitor que el Rei de Portugal nomeasse, e ordenando que só quando elle o julgasse necessario teria logar a appellacão para as justiças Inglezas, correndo o processo perante ellas, mas sempre na lingua Portugueza."

"16th August, 1663. Royal letter ordered to be carried into effect in view of the special expediency of the State of India. The reservation made by the Crown of Portugal *in perpetuum* of the patronage, together with all the privileges enjoyed up to that time, is formally and explicitly declared therein, and it is added that the civil suits of the Christian Catholics would be decided in the presence of the factor appointed by the King of Portugal, and commanding that no appeal should be made to the English Judges unless he should deem it necessary, in which case the suits would be pleaded before them, but always in the Portuguese language."

The same document gave the assurance that the British Government would treat us with perfect friendship in every place, as if the two nations in India formed one only nation, and that for this purpose assistance would be rendered in every respect in order to carry into effect the Decrees of the Crown of Portugal.

The Royal letter also added that the actual vicars and their successors would be appointed by the Prelate of Goa as until then, and that the churches of Bombay would continue under the Royal patronage with all the rights and privileges thereunto appertaining, His Majesty reserving the same for himself and his successor absolutely and for ever, in such a manner that any infraction of this principal Article would render all the other clauses of the first Treaty and of the recent Convention—to which the foregoing Articles concerning the delivery had reference—null and void, so that, should any one of the same be either broken or altered, the whole should be looked upon as revoked, and the whole right of sovereignty over the Island of Bombay would again revert to the Crown of Portugal.

The said author, in referring to the aforementioned deed of the delivery of Bombay, as quoted in Mr. Biker's collections, says that the same is to be found in the Public Library at Evora, MSS. Cod : CXVI—39, p. 305.

Senhor Conselheiro Barrosé Sá, in a very learned speech delivered by him at a sitting of the Chamber of Peers during the last Session treated this matter at great length.

With regard to this subject, the Convention between Antonio de Mello e Castro, Viceroy of the States of Portuguese India, and Abraham Thepman, Governor of British India, relative to the delivery of Bombay, may also be consulted; it is to be found in the General Register of the Office of the State of Goa, in accordance with the above-quoted reference.

Consequently, the provisions of the Treaty of 1661—the conditions of which constitute a legal onus—the explicit condition set forth at great length in the authentic Royal letter of 1663, of which I have quoted the substance, as well as the official record of the possession taken, likewise transcribed, are incontestible documents in support of the Portuguese rights. These express documents regulate the mutual rights and obligations of the parties concerned. But above all these documents there is the fact which constitutes a right in international law—that is, the long and peaceable possession of the full exercise of the Portuguese patronage in all the cathedral churches of Hindoostan, and in all the Christian communities dependent thereon, founded on a lawfull title both evident and recognized; which possession has, moreover, been uninterruptedly exercised both before and after the establishment of the British dominion. This fact, even if those documents did not exist at all, would, *per se*, constitute a legal right which could not be impugned *bonâ fide*. Ancient and modern writers on international law such as Watel, Hoefter, Bluntschli, Calvo, Martens, and others are quite agreed upon this point.

Even if those diplomatic documents, which are a most valid proof that a respect for the Portuguese patronage in India was made a condition for the dominions and rights ceded in the Treaty of 1661 did not exist at all, the uninterrupted possession of a fact based upon Concessions granted by the Holy See subject to onerous obligations, carried on without opposition and in a peaceable manner for centuries in the churches of India, would exhibit all the characteristics of a tacit Treaty, and would therefore constitute, as regards Portugal, a real title based on international law. Not a single legist will be found to maintain a contrary opinion.

Dated Foreign Office, London, the 2nd September 1886.

From—Sir T. V. LISTER, K.C.M.G., Assistant Under Secretary of State for Foreign Affairs.

To—Her Majesty's UNDER SECRETARY OF STATE for India.

With reference to my letter of the 1st instant, I am directed by the Earl of Iddesleigh to state to you, for the information of the Secretary of State for India in Council, that Her Majesty's Ambassador at Rome reports, under date of the 20th ultimo, that he has been informed by the Portuguese Chargé d' Affaires to the Holy See that he signed on the 16th ultimo, with Cardinal Jacobini the Ratifications of the Concordat recently concluded between Portugal and the Vatican, for the regulation of Ecclesiastical Jurisdiction in the East Indies.

Dated Foreign Office, London, the 17th September 1886.

From—Sir T. V. LISTER, K.C.M.G., Assistant Under Secretary of State for Foreign Affairs.

To—Her Majesty's UNDER SECRETARY OF STATE for India.

Sir J. Lumley, No. 232, dated 27th August 1886.

With reference to my letter of the 2nd instant, I am directed by the Secretary of State for Foreign Affairs to transmit to you, to be laid before the Secretary of State for India in Council, copy of a despatch as marked in the margin relating to the Concordat between Portugal and the Vatican.

No. 232, dated Rome, the 27th August 1886.

From—Right Hon'ble Sir J. S. LUMLEY, G.C.B., Her Majesty's Ambassador at Rome.

To—The EARL OF IDDESLEIGH.

I have the honour to inclose herewith copy of the Concordat concluded between the Holy See and Portugal, which was signed on the 23rd June by Cardinal Jacobini and the Portugese Envoy to the Vatican, Don Silva Ferrao de Carvalho Martens, and which has been published in the "Moniteur de Rome" of this date.

Extract from "Le Moniteur de Rome" of August 26, 1886.

Concordat stipulé le 23 Juin, 1886, entre le Saint-Siège et le Portugal.

Au nom de la Très Sainte Trinité.

SA Sainteté le Souverain Pontife Léon XIII et Sa Majesté Très Fidèle le Roi Dom Louis I, animés du désir de favoriser les progrès du Christianisme aux Indes Orientales, et d'y régler d'une manière stable et définitive le Patronat de la Couronne de Portugal, ont résolu de faire un Concordat. Ils ont nommé à cet effet

deux Plénipotentiaires, c'est-à-dire, au nom de Sa Saintcté, l'Eccellentissime et Reverentissime Cardinal Ludovic Jacobini, son Secrétaire-d'Etat, et, au nom de Sa Majesté Très Fidèle, son Excellence M. Jean-Baptiste da Silva Ferrão de Carvalho Martens, Ambassadeur Extraordinaire et Ministre d'Etat honoraire ; lesquels, ayant échangé leurs pleins pouvoirs respectifs, et les ayant trouvés en bonne et due forme, sont convenus d'.adopter les Articles suivants :—

ARTICLE I.

En vertu des anciennes concessions Pontificales, l'exercice du Patronat de la Couronne de Portugal sera continué, conformément aux règles canoniques, dans les Eglises Cathédrales des Indes Orientales, d'après les modifications énoncées dans le présent Concordat.

ARTICLE II.

Quant à l'Eglise Métropolitaine et 'Primatiale de Goa, l'Archevêque continuera d'exercer ses droits de Métropolitain dans les diocèses suffragants.

Par une bienveillante concession de Sa Sainteté, l'Archevêque *pro tempore* sera élevé à la dignité de Patriarche *ad honorem* des Indes Orientales, et il jouira, en outre, du privilège de présider les conciles nationaux de toutes les Indes Orientales, lesquels se réuniront d'ordinaire à Goa, sauf le droit du Pape d'en disposer autrement dans des circonstances particulières.

ARTICLE III.

La province ecclésiastique de Goa sera composée, outre le siège Métropolitain des trois diocèses de Damau ayant aussi le titre de Cranganor, de Cochin, et de Saint Thomé de Meliapor.

Les limites de ces trois diocèses et les lieux qui leur sont sujets seront indiqués dans une feuille séparée.

ARTICLE IV.

Dans le diocèse Métropolitain de Goa, de même que dans les trois diocèses suffragants, le droit de Patronat sera exercé par la Couronne de Portugal.

ARTICLE V.

En vue des avantages qui, par suite de la reconstitution des trois diocèses susindiqués, et, partant, d'une province ecclésiastique régulière, pourront résulter en faveur des fidèles de ces contrées, il reste convenu que quelques-uns des groupes principaux des Chrétientés Goanaises, tels qu'ils sont indiqués dans une annexe spéciale, bien que n'étant pas compris dans les limites des trois diocèses susmentionnés, y seront néanmoins agrégés, eu égard aux éléments matériels et moraux d'homogénéité qui les assimilent a ces mêmes diocèses.

Dans les missions Goanaises des autres diocèses, l'Ordinaire devra confier de préférence le soin des âmes à des prêtres Goanais ou Portugais relevant de son autorité.

ARTICLE VI.

Le Gouvernement Portugais prend l'engagement de pourvoir a la dotation convenable des diocèses susmentionnés, des chapîtres, du clergé, et des séminaires, et il coopérera d'une manière efficace à seconder l'action des Évêques, pour fonder des écoles, des orphelinats, et d'autres institutions requises pour le bien des fidèles et l'évangélisation des païens.

ARTICLE VII.

Pour les quatre diocèses de Bombay, Mangalor, Quilon, et Maduré, qui seront érigés par l'institution de la hiérarchie aux Indes, les Métropolitains avec les Évêques suffragants, à la vacance des sièges épiscopaux, de même que, à la vacance du siège archiépiscopal, les suffragants de la province formeront une *terne* à leur libre choix et la communiqueront à l'Archevêque de Goa, qui la remettra à la Couronne, et celle-ci devra présenter au Saint-Siège un candidat, sur les trois compris dans la *terne*, dans un délai de six mois, après lequel la liberté du choix est dévolue au Saint-Siège.

ARTICLE VIII.

Le Souverain Pontife nommera pour la première fois lès Archevêques et les Évêques des quatre diocèses indiqués à l'Article précédent, diocèses qui seront fondés dès qu'aura lieu la constitution de la hiérarchie ecclésiastique.

ARTICLE IX.

Les Chrétientés de Malacca et de Singapour, actuellement dépendantes de la juridiction extraordinaire de l'Archevêque de Goa, seront sujettes à la juridiction de l'Evêque de Macao.

ARTICLE X.

Le Patronat de la Couronne étant ainsi réglé le Saint-Siege jouira, dans tout le territorie restant des Indes Orientales, de la pleine liberté de nommer les Evêques et de prendre les résolutions qu'il croira opportunes pour le bien des fidèles.

ARTICLE XI.

Les concessions précédentes relatives au Patronat de la Couronne aux Indes Orientales étant modifiées et interprétées de la sorte, les Articles 3, 4, 5, 6, et l'Annexe A du Concordat de 1857 restent en vigueur.

ARTICLE XII.

Le présent Traité avec son annexe, qui en forme partie intégrante, sera ratifié par les Hautes Parties Contractantes, et les ratifications seront échangées à Rome, dans le terme de trois mois à dater de la signature, ou avant si c'est possible.

Rome, le 23 *Juin*, 1886.

L. Card. JACOBINI.

JEAN-BAPTISTE DE SILVA FERRAO DE CARVALHO MARTENS.

Government of India Central Printing Office.—No. 999 H. D.—1-3-87.—300.

Exd.——W. B. G.

S.C. / PY.302/87

No. 101 (Public—Ecclesiastical), dated India Office, London, the 4th November 1886.

From—Her Majesty's SECRETARY OF STATE for India.

To—His Excellency the Right Honourable the GOVERNOR GENERAL of India in Council.

IN continuation of my Despatch of the 7th ultimo, No. 87, I transmit copy of a further letter* from the Foreign Office, with enclosure, on the subject of the Concordat recently concluded at Rome respecting the Roman Catholic Ecclesiastical Patronage in India.

* Dated 29th September 1886, and enclosure.

2. With reference to the Despatch from the Government of Bombay, dated the 13th ultimo, No. 7, I request that Your Excellency in Council will inform that Government, in connection with any communication Your Government may address to them on the subject of this Concordat, that I have received and forwarded to the Foreign Office a copy of the petition from certain Parishioners of the Roman Catholic Churches in Bombay, Salsette, and Bassein protesting against their subjection in ecclesiastical matters to the spiritual jurisdiction of the Crown of Portugal and of Bishops appointed by that Power.

Dated Foreign Office, the 29th September 1886.

From—Sir T. V. LISTER, K.C.M.G., Assistant Under Secretary of State for Foreign Affairs.

To—Her Majesty's UNDER SECRETARY OF STATE for India.

WITH reference to my letter of the 1st instant, I am directed by the Secretary of State for Foreign Affairs to transmit to you, to be laid before the Secretary of State for India in Council, a copy of a Despatch, as marked in the margin, relating to a petition addressed to the King of Portugal by the Roman Catholic inhabitants of Ceylon against the ratification of the Papal-Portuguese Convention respecting Ecclesiastical Patronage in India which was signed at Rome on the 23rd of June last.

Mr. Petre, No. 52, dated 30th August 1886.

No. 52, dated Lisbon, the 30th August 1886.

(Received 3rd September.)

From—Mr. GEORGE G. PETRE.

To—The EARL OF IDDESLEIGH.

A PETITION purporting to be signed by 1,500 of the Roman Catholic inhabitants of Ceylon against that portion of the Concordat signed at Rome on the 23rd June last, which excludes Ceylon from the spiritual jurisdiction of the Primate of Goa, has been sent to the King of Portugal. It is dated Colombo, 29th July. I do not think it worth while troubling Your Lordship with a translation of this lengthy document, in which His Most Faithful Majesty is asked to withhold a ratification which has already taken place. The petitioners not only extol the merits of the Goanese Clergy, and deplore their deprivation of the blessings of the Portuguese Patronage, but they speak in most disparaging terms of the Vicars-Apostolic and the Clergy under their jurisdiction. They even go so far as to say that it would be "cruel and intolerable" to place them under that "abominable yoke."

Whatever blessings the Portuguese Patronage may have conferred, Christian charity, as far as these petitioners are concerned, does not appear to be one of them.

No.

COPY, with copy of the Despatch marginally noted, forwarded to the Government of $\frac{\text{Madras}}{\text{Bombay}}$ for information, in continuation of Home Department endorsement No. $\frac{2}{2}\frac{1}{1}\frac{7}{8}$, dated 6th August 1886.

No. 87, dated 7th October 1886.

By Order,

HOME DEPARTMENT,
(ECCLESIASTICAL);
Calcutta, the January 1887.

J. P. HEWETT,

Offg. Under Secy. to the Govt. of India.

Government of India Central Printing Office.—No. 998 H. D.—19-1-87.—93.

Exd.—N. O. D.

No. 87 Public (Ecclesiastical), dated India Office, London, the 7th October 1886.

From—Her Majesty's SECRETARY OF STATE for India.

To—His Excellency the Right Honourable the GOVERNOR GENERAL of India in Council.

Foreign Office to India Office, dated 7th July 1886, with enclosure.
Foreign Office to India Office, dated 1st September 1886.
Foreign Office to India Office, dated 2nd September 1886.
Foreign Office to India Office, dated 17th September 1886.

I forward herewith, for the information of Your Excellency in Council, copies of the letters from the Foreign Office, noted in the margin, relative to a Convention between the Holy See and the Kingdom of Portugal for the settlement of the question of Ecclesiastical Patronage in India which has recently been signed at Rome.

2. I also forward a copy of a letter (with enclosure), dated the 13th of August 1886, which has been addressed to the Prime Minister by Cardinal Manning on this subject.

Dated Foreign Office, the 7th July 1886.

From—Sir J. PAUNCEFOTE, K.C.M.G., Under Secretary of State for Foreign Affairs.

To—The UNDER SECRETARY OF STATE for India.

Sir J. Lumley, No. 186, dated 29th June.

With reference to the letter from this office of the 18th ultimo, I am directed by the Earl of Rosebery to transmit to you herewith, to be laid before Her Majesty's Secretary of State for India in Council, a copy of a Despatch, with its enclosure, from Her Majesty's Ambassador at Rome, with reference to the Concordat recently signed at the Vatican between the Portuguese Ambassador and the Papal Secretary of State Cardinal Jacobini, for regulating the question of the right of Patronage of Portugal in the East Indies.

No. 186, dated Rome, the 29th June 1886.

From—Right Honourable Sir J. SAVILE LUMLEY, G.C.B., Her Majesty's Ambassador at Rome.

To—The Earl of ROSEBERY, &c., &c.

On Wednesday 23rd instant, the new Concordat between Portugal and the Curia for regulating the question of the right of Patronage of Portugal in the East Indies was signed at the Vatican by the Portuguese Ambassador, Don Silva Ferrao de Carvalho Martens, and Royal Secretary of State, Cardinal Jacobini.

The *Moniteur de Rome* in an article, herewith enclosed, alludes to the numerous and serious difficulties which for more than half a century have prevented the conclusion of any definitive arrangement of this question for which the enlightened and pacific policy of the present Pope has now found a satisfactory solution, which, while upholding the supreme interests of Catholicism, has respected the historical traditions and the susceptibilities and desires of Portugal, a solution which it states has been very favourably received throughout the Kingdom.

The text of this Concordat has not yet been officially published.

Extract from "Le Moniteur de Rome," 25th and 26th June 1886.

LE ST. SIÈGE ET LE PORTUGAL.

Mercredi, comme nous l'avons annoncé, a été signalé au Vatican par Son Excellence M. le Sécrétaire d'Etat, de Sa Sainteté et Son Excellence l'Ambassadeur du Portugal, le nouveau Concordat qui règle la question du droit de patronage de la Couronne de Portugal aux Indes Orientales. C'est une nouvelle et glorieuse page à ajouter aux annales déjà si remplies du Pontificat de León XIII. Depuis plus d'un demi-siècle de graves et nombreuses difficultés avaient empêché la conclusion d'un accord définitif sur cette question du patronage. Quoique la force des choses exigeât une re-organisation de l'Eglise dans ces contrées, mille obstacles de tout genre s'opposaient à cette œuvre pacificatrice, les précédents historiques, les changements survenus, les susceptibilités nationales; bref jusque-là, malgré tous les efforts, on n'avait pu trouver un terrain commun, qui conciliât les droits et les intérêts respectifs des deux parties.

Il était réservé à l'esprit éclairé et à la volonté persévérante de Leon XIII de terminer de la façon la plus pacifique et la plus heureuse ce long et épineux debat de sauvegarder les intérêts suprêmes du Catholicisme dans ces contrées en ménageant les susceptibilités du patriotisme portugais. C'est-là le grand et incontestable mérite de la solution intervenue. Le Saint Siège a tenu compte des justes desirs du Portugal, mais sans perdre de vue les légitimes exigences des vastes et nombreuses Chrétientés disséminées dans l'Hindoustan. Sans entraver une organisation plus régulière et mieux appropriée aux besoins actuels de la hiérarchie Catholique, elle flatte l'amour-propre et le patriotisme portugais. Elle rappelle, pour ainsi dire, à tous que ce généreux peuple a été le premier à porter dans ces contrées les lumières de l'Evangile et le flambeau de la civilisation Chrétienne, que si d'autres peuples sont venus, apres lui récolter la moisson, c'est lui qui, le premier, a ensemencé ce champ dont la merveilleuse fécondité nous étonne aujourd'hui.

Aussi la solution donnée à cette question du patronage a-t-elle été accueillie dans tout le Portugal avec la plus vive et la plus entière satisfaction. Une feuille officieuse, le *Comercio de Portugal* s'exprime à ce sujet, en ces termes dignes d'attention.

Animé de la meilleure volonté de nous être agréable, le Saint Père a su concilier dans les négociations autant que lui le permettaient sa haute sagesse et sa conscience éclairée, le respect pour nos droits et nos traditions historiques avec les exigences d'une situation creée déjà depuis longtemps aux Indes comme aussi avec es progrès de la foi religieuse dans ces contrées.

On ne saurait parler avec plus de vérité et de justesse.

En attendant que le texte du concordat soit publié officiellement qu'il nous suffise de dire que ce traité de paix entre une nation Catholique et le St. Siége vient fournir au monde une nouvelle preuve de la puissance morale incontestée et de l'ascendant universel de la Papauté. Mais cette œuvre pacificatrice n'est pas seulement un précieux titre de gloire pour le grand Pontife qui préside si sagement aux destinées de l'Eglise; elle honore aussi infiniment le Gouvernement qui a tenu dans cette circonstance à resserrer son entente étroite avec le St. Siège et qui a vu dans cette union un gage de prospérité et de grandeur nationale.

Dated Westminster, the 13th August 1886.

From—Henry Edward Cardinal Manning.

To—The Marquis of Salisbury, K.G., &c., &c., &c.

I am instructed by the Cardinal Secretary of State in Rome, in a letter of which I herewith transmit a copy, to communicate to Your Lordship that the negotiations between the Holy See and the Government of Portugal have been concluded and have taken the form of a *Concordat*, the nature of which is as follows :—

1. The Metropolitan See of Goa will have the three Suffragan Sees, Daman, Cranganore, and St. Thomas of Meliapour.

2. The four Vicariates of Bombay, Mangalore, Quilon, and Madura will be erected into Dioceses by the constitution of the Hierarchy, and will form a province with their Metropolitan where they will henceforth in the vacancy of any See select three names to be proposed to the Crown of Portugal to which the nomination of the Bishop is conceded.

3. Finally the Goanese or Portuguese Catholics outside of the Ecclesiastical Portuguese Province, that is, throughout the rest of British India, will depend upon the Bishops in each several locality.

The result of this Concordat, as Your Lordship will perceive, is as follows :—

1. The pretension of the Crown of Portugal to Ecclesiastical Patronage and the claim of the Archbishop of Goa to jurisdiction throughout the territory of British India is extinguished.

2. The Patronage of the Crown of Portugal and the jurisdiction of the Archbishop of Goa are restricted to the Ecclesiastical Province containing the seven Suffragan Sees above named.

3. The Crown of Portugal will have the nomination of the Metropolitan and Bishops of Bombay, Mangalore, Quilon, and Madura, but only from a list of three names presented by the Bishops of those Sees.

4. In the four Dioceses of Bombay, Mangalore, Quilon, and Madura the Portuguese or Goanese population is considerable, consisting of 103 priests and 104,500 Catholics, and this concession to the Crown of Portugal will give satisfaction, the limitation of choice to the three names will always be a sufficient security to the British Government for the character of the person nominated.

5. The abandonment of the Portuguese Patronage and jurisdiction throughout the rest of British India gives a very large security to our Government by terminating the pretensions which have hitherto caused disturbance.

6. It is intended to bring the whole state of the Church in India into Canonical order by the erection of the Hierarchy.

This summary contains in outline and in substance the effect of the *Concordat*, and is highly favourable to the peace and welfare of British India and its Government.

Dated Rome, the 21st June 1886.

From—H. E. Ludovico Cardinal Jacobini.

To—Henry Edward Cardinal Manning.

Essendosi la Santa Sede giovata per il passato dell influenza di cui qode l' Eminenza vostra presso alcuni personaggi del Governo Inglese, allo scopo dio interessalo nella vertenza del Patronato Portoghese salle Indie Orientale, è desiderio del Santo Padre che le venga comunicato lo stato atturle delle trattative che omi volgono a termine.

Porche nei prossimi giorni sarà sotto scritto il nuovo concordato fra la S. Sede ed il Portogallo, e perciò non remane che ratificarbo dopo la relation approvazione delle Camere.

Col nuovo concordato poi alla Sede Metropolitana di Goa, vengono aggiunte tre Diocesi Suffragance, civè Daman, Crangoanor, e S. Thomé de Meliapour. Per le quattro Diocesi di Pombay, Mangalor, Quilon, e Maduré. che verranno erette colla costituzione della Gerarchia i Vescovi della Provincia col respettivo metropolitano formeranno una terna dentro la quale la Corona Portoghese seeglierà il Vescovo che riterrà mighore. In fine i gruppi principali dei Goanesi, che rimangono fuori della Prouvinco ecclesiastica Portoghese dihenderanno rispettivamente dagli Ordinarii di esse.

Come Vostra Eminenza facilmente comprenderà le antiche pretese del Portogallo vengono per tal quisa limitate di molto, e se non, si è ottenuto tutto quello che si aveva diritto di esigere, vi è luogo a sperare che le concession della Santa Sede sarnano largamente compensate.

La fondazione di una Provincia ecclesiastica Portoghese colle relative istituzioni, la quale si è in qualche maniera ricostituita colle Diocesi Portoghesi pre esistenti, ma però in territorii peù ristretti, la celsazione della guirisdizione straordinaria, e l'alsettamento regolare di quelle cristianità mentre varrauno ad eliminare gli inconvenienti che si deploravano pel passato potranno inoltre produrre seri e positivi vantaggi.

Quello poi che più monta si è che il Portogallo laseiando libero campo alla Santa Sede in tutto il rimanente territorio delle Indie, potrà quanto, prima fondarsi colà la Gerarchia ecclesiastica. Cotesta forma rispondente alle attuali condizione ed esigenze di quelle cristianita renderà più regogliosa la vita della chiesa nelle Indie, e vi forà prosperare tutte quelle istituzioni che un orgauamento normale, ed uno stato di crescente vitalità sogliono produrre. Vostra Eminenza raoviserà queste disposizioni non solamente conformi ai diritti della Santa Sede, ma anche alle manifestazioni del Governo Inglese. Daltronde solla costituzione della Gerarchia mentre si provvede ad una definitiva sistemazione della chiesa nelle Indiee d'altra parte si rende manifesto il progresso religioso che mole essere argomento e cagione anche del progresso civile di un popolo.

Pertanto nel pregare Vostra Eminenza di for conosceere al Signor Gladston, quanto la S. Sede ha determinato per la sistemazione degli affari religioso nelle Indie mi valgo con piacere della opportunita per confermarle i sensi del mio profundo ossequio, con cui le bacio umilissimauente le mani.

Dated Foreign Office, London, the 1st September 1886.

From—Sir T. V. Lister, K.C.M.G., Assistant Under Secretary of State for Foreign Affairs.

To—Her Majesty's Under Secretary of State for India.

With reference to my letter of 18th June I am directed by the Secretary of State for Foreign Affairs to transmit to you, to be laid before the Secretary of State for India in Council, the accompanying copies of two despatches from Her Majesty's Minister at Lisbon, with reference to a Convention between the Holy See and Portugal respecting Ecclesiastical Patronage in the East Indies.

[Mr. Petre, Nos. 42—46.

No. 42, dated Lisbon, the 29th July 1886.

From—GEORGE G. PETRE, Esq., Her Majesty's Minister at Lisbon.
To—The EARL OF ROSEBERY.

The official Gazette of yesterday published the text in Portuguese and Italian of the Convention between the Holy See and Portugal for the settlement of the questions at issue concerning the ecclesiastical jurisdiction of the Crown of Portugal in India, which was signed at Rome on the 23rd of last month. The Royal Decree ratifying this Convention is preceded by a very lengthy Report signed by the Ministers of Marine and Foreign Affairs, and is followed by a still more voluminous Report addressed by Senõr Martens Ferrao, the Portuguese Ambassador at Rome, who is at present in Lisbon, to the Minister for Foreign Affairs, treating of the whole question historically and juridically, and minutely detailing the progress and results of the negotiations. The letters exchanged between His Holiness and the King of Portugal in the months of January and February are also published in the Gazette.

I have the honour to inclose printed copies of all the documents above-mentioned, together with a translation of the Convention itself and of the Annex which is an essential part of it.

The terms of the Agreement which has thus put an end to a long and, at times, an acrimonious conflict, will be found to be nearly identical with those described in my despatch No. 32 of the 4th June.

An arrangement which, without wounding the national pride of Portugal, very considerably curtails and strictly defines the ecclesiastical jurisdiction claimed by her within the dominions of another Power, and, at the same time, puts an end to the scandal of religious and civil conflicts between Christian communities, will probably be considered unobjectionable by the Government of India.

Extract from the "Diario do Governo" of July 28, 1886.

ROYAL DECREE.

(Translation.)

Taking into consideration the Report submitted to me by the Ministers and Secretaries of State for the Departments of Marine and Colonies and of Foreign Affairs, I hereby decree as follows :—

Article 1. The Convention signed at Rome on the 23rd June last, which, in accordance with the VIIth, Xth, XIVth, and XVIth Articles of the Concordat of the 21st February 1857, defines in a precise manner the limits of the Portuguese Bishoprics and lays down the conditions under which the exercise of the right of patronage of the Crown of Portugal in the East Indies shall continue in force, is hereby approved, and will be ratified within the period laid down in the XIIth Article of the same.

Article 2. The Government will render an account to the Cortes of the provisions contained in this Decree.

The Ministers and Secretaries of State for the Departments of Marine and Colonies and of Foreign Affairs shall accordingly carry this Decree into effect.

Given at the Palace, the 22nd July 1886.

(Countersigned.) THE KING.

HENRIQUE DE MACEDO.

HENRIQUE DE BARROS GOMES.

Convention.

In the name of the Most Holy Trinity.

His Holiness the Supreme Pontiff Leo XIII, and His Most Faithful Majesty the King Don Lewis I., being animated with the wish to favour and further the development of the Christian communities in the East Indies, and to settle in a stable and definitive manner the patronage therein of the Portuguese Crown, have determined to make a Concordat, and for this purpose they have appointed their Plenipotentiaries, as follows: on the part of His Holiness the Most Eminent and Reverend Cardinal L. Jacobini, his Secretary of State, and on the part of His Most Faithful Majesty, His Excellency the Councillor of State, João B. da S. Ferrão de Carvalho Martens, Ambassador Extraordinary, a Peer of the Realm, and

Honorary Minister of State, who after exchanging their respective full powers, which were found in due and proper form, have agreed upon the following Articles :—

ARTICLE I.

In virtue of the ancient Papal Concessions, the exercise of the Royal patronage of the Portuguese Crown shall continue in force, in accordance with the Sacred Canons, in the Cathedral Sees in the East Indies, subject to the modifications laid down in this Concordat.

ARTICLE II.

As regards the Metropolitan and Primatial Church of Goa, the Archbishop shall continue to exercise his Metropolitan rights in the dioceses which are suffragan thereto.

The Archbishop, *pro tempore*, will, owing to the Concession kindly made by His Holiness, be raised to the high dignity of Patriarch, *ad honorem*, of the East Indies, and will moreover enjoy the privilege of presiding over the Provincial Councils throughout the East Indies, which will usually be held at Goa, saving the right of the Supreme Pontiff to rule otherwise under special circumstances.

ARTICLE III.

The Ecclesiastical and Metropolitan Province of Goa will be composed, in addition to the Metropolitan See of the three following dioceses, namely, of Damao, and of the titular See of Cranganor, of Cochin, and of St. Thomas of Meliapor.

The limits of each of these three dioceses, as well as the various places under their respective jurisdiction, will be laid down in a separate Annex.

ARTICLE IV.

The Crown of Portugal shall exercise the right of patronage in the Metropolitan Diocese of Goa and in the three suffragan dioceses.

ARTICLE V.

In view of the advantages which may accrue to the faithful from the reconstruction of the said three dioceses and from a regularly constituted ecclesiastical province, a few of the principal groups of the so-called Goanese Christian communities, of which mention is made in the Annex above-mentioned, and which are not comprised within the limits assigned to the said three dioceses, shall be annexed to the latter, with due regard to the homogeneous material and moral elements which surround them, and point out the expediency of their being joined together.

In the Goanese Missions of the other dioceses the Ordinary will give the preference to Goanese or Portuguese priests, subject to him as regards any appointments for the cure of souls.

ARTICLE VI.

The Portuguese Government on their part engage to provide for the proper endowment of the said dioceses referred to in the IIIrd Article of this Concordat, and of the Cathedral Chapters, of the clergy and of the seminaries, and to co-operate in an effectual manner with the respective Bishops for the foundation of schools, orphan asylums, and of other establishments that are requisite for the welfare of the faithful, and for the spread of the Gospel among the infidels.

ARTICLE VII.

With respect to the four dioceses of Bombay, Mangalor, Quilon, and Maduré, which will be erected on the establishment of the hierarchy in the East Indies, the Metropolitans, together with their suffragans in the event of any of the said Episcopal Sees falling vacant, and the Suffragan Bishops of the province in the event of the Archiepiscopal See falling vacant, shall, of their own free will, draw up a list of three names for communication to the Archbishop of Goa, who will forward the same to His Majesty the King of Portugal, who shall be bound to present, within the period of six months, a candidate to the Holy See selected from among the three names proposed. Should no such presentation have been made within the period of six months, the Holy See shall be at liberty to select any person it may think fit.

ARTICLE VIII.

The Archbishops and Bishops of the four dioceses mentioned in the foregoing Article, and which are to be created upon the establishment of the ecclesiastical hierarchy, shall for the first time be named by the Supreme Pontiff.

ARTICLE IX.

The Christian communities of Malacca and Singapore, which are now placed under the extraordinary jurisdiction of the Archbishop of Goa, will in future be subject to the jurisdiction of the Bishop of Macao.

ARTICLE X.

The patronage of the Crown of Portugal being thus settled, throughout the rest of the territory in the East Indies, the Holy See shall enjoy full liberty of appointing Bishops, and of adopting any measures it may deem expedient for the welfare of the faithful.

ARTICLE XI.

The former Concessions relative to the patronage of the Crown of Portugal in the East Indies having been thus modified and interpreted, the IIIrd, IVth, Vth, and VIth Articles, as well as the Annex (A) of the Concordat of the 21st February 1857, shall continue in force.

ARTICLE XII.

The present Treaty, together with its Annex, which is an integral part thereof, shall be ratified by the High Contracting Parties, and the ratifications shall be exchanged at Rome within three months from the date of the signature of the same, or sooner if possible.

(L.S.) L. CARDINAL JACOBINI.

(L.S.) JOAO B. DA S. FERRAO DE CARVALHO MARTENS.

Rome, June 23, 1886.

Annex to the Third Article of the Concordat of June 23, 1886.

I. The Patriarchal Metropolitan and Primatial See of Goa will comprise :—

1. The whole territory of the Portuguese possessions in India at present belonging to Portugal, with the exception of the districts of Damao and Diu, which will appertain to the Suffragan Diocese of Damao and Titular Diocese of Cranganor, in accordance with the IIIrd Article of this Concordat.

2. Northern Canara, with the Christian communities of either jurisdiction existing there, and which at present are the following, namely :—

Of Sadahisgor, of Sunkerry, of Karwar, of Ankola, with the Christian communities of Bingi, Chindierro, Bollingolly, Yellopor ;

Of Sircy, of Honowar, with the Christian communities of Kiroly, Boteul, Ferquembat ;

Of Chandowar and Coompta ;

Of Golmuna, with the Christian communities of Sounxim, Munkim, and Baitur ;

which will thus constitute a continuous diocesan territory under the ordinary jurisdiction of Goa.

3. The Christian communities at present existing within the above-mentioned division of territory which are now subject to the other jurisdiction will be placed under the ordinary jurisdiction of Goa.

II. The Diocese of Damao and Titular of Cranganor, now created in virtue of the VIIth Article of the Concordat of the 21st February 1857, will be thus formed :—

No. 1.

1. Of the districts of Damao and Diu, at present under the ordinary jurisdiction of the Archbishop of Goa ;

2. Of that part of the district of Broach lying to the south of the River Norhadda, and of the district of Surat ;

3. Of the district of Northern Kenkam;

4. Of the actual "varado" (territorial deanery) of the Islands of Salcate and Trombay;

5. Of the actual "varado" (territorial deanery) of Baçaim;

which will thus constitute a continuous diocesan territory subject to the ordinary jurisdiction of the diocese.

6. The under-mentioned Christian communities and establishments at present under the jurisdiction of the Vicar-Apostolic are excepted :—

In the district of Surat, the churches and parishes of Surat and Balsar.

In the Islands of Salcete and Trombay, the churches and whole parishes of Marolis and of Maucy in the Island of Trombay, at present under the jurisdiction of the Vicar-Apostolic, together with the establishments under the said jurisdiction appertaining thereto.

In Bandora, the church at present under the jurisdiction of the Vicar-Apostolic, with St. Stanislaus' Institute and St. Joseph's Convent, which already belong to him, as well as the churches of Juven, Condotina, and Culven, which are likewise under the jurisdiction of the Vicar-Apostolic.

7. In order to prevent any confusion, it is hereby declared that, in the actual "varados" (territorial deaneries, Nos. 4 and 5) of Salcete and Baçaim, the whole of the Christian communities, which are at present subject to the jurisdiction of the Arch-Diocese of Goa, shall, in future, continue to be subject to the ordinary jurisdiction of the Diocese of Damao; the Christian communities which are excepted in No. 6 not being at present under the jurisdiction of Goa.

No. 2.

The whole of the Christian communities, together with the churches, chapels, and establishments belonging to them, as well as their property and revenues in the City and Island of Bombay, which are at present under the jurisdiction of the Archbishop of Goa, shall also, in future, belong to the Diocese of Damao; for the sake of clearness they are named here, as follows :—

1. Masagao, together with the church and establishments belonging to it, and with the Chapel of St. Francis Xavier at Colaba, as well as the establishments appertaining thereto;
2. St. Francis Xavier at Dalbul;
3. Caval (Our Lady of Dolours), with the chapel at Lonpoor;
4. Upper Mahim (St. Michael's), with the Chapel of Good Counsel at Sion, as well as the school appertaining thereto;
5. Lower Mahim (Our Lady of Salvation), together with the chapels of Matenga and Parel, as well as the college and schools annexed thereto;

III. The limits of the Diocese of Cochin—Suffragan to Goa—are fixed as follows, and will comprise :—

No. 1.

1. The City of Cochin, together with all the Christian communities, churches, and chapels, as well as any other establishments appertaining thereto.

2. The following districts, with the Christian communities therein, subject to either jurisdiction, namely :—

Maltanchery and Amarambady (subject to the jurisdiction of the Archbishop and of the Vicar-Apostolic).

Pallaruti (under the jurisdiction of the Vicar-Apostolic).

Idacochi, Arus, Punuguto, and Perumpadippu.

Manasherry (St. Lewis).

Manasherry (St. Michael).

Caunnamale.

Candacadavuy.

Combalanganguy.

Chellanam (St. Sebastian).

Chellanam (St. George).

Pollitodu.

Truvine (subject to the jurisdiction of the Vicar-Apostolic and of the Archbishop).

Manacudam and Toveur.

Pallipuram.

Bendurti and Tevere.

Tanghi.

Arthungal (St. George).

Arthungal (St. Andrew), and Mararicolam and Chetti.

Mararicolam (under the jurisdiction of the Archbishop of Goa).

Kattur (Archbishop's jurisdiction).

Aleppi (jurisdiction of the Archbishop and of the Vicar-Apostolic).

Vattalunyhal (Archbishop's jurisdiction).

Pungavu (jurisdiction of Vicar-Apostolic).

Tumboly (jurisdiction of the Archbishop and of the Vicar-Apostolic).

No. 2.

In the actual Apostolic Vicariate of Quilon the under-mentioned Christian communities:—

1. Aravola;
2. Caringolam;
3. Pontorré;
4. Tutur;
5. Waliatowe;
6. Velli;

including the whole of the churches, chapels, establishments, property and revenues appertaining thereto.

IV. The limits of the Diocese of St. Thomas of Meliapor—Suffragan to Goa—are fixed as follows:—

No. 1.

1. The city of St. Thomas of Meliapor, with all its Christian communities subject to either jurisdiction, and with those of St. Thomas' Mount, including the churches, chapels, and establishments appertaining thereto, and also at

Palavaram, and

Cavelung and Chinglepett;

with the following boundaries:—On the east the Gulf of Bengal; on the north, Edward Elliot's Road and St. George's Cathedral Road; on the west, the road from Madras to Congeveran as far as the River Palar; on the south, the River Palar as far as the sea; the whole of which will thus constitute a continuous diocesan territory.

2. In the actual Apostolic Vicariate of Maduré:—

The Christian communities subject to either jurisdiction, including the whole of the churches, chapels, as well as any other establishments appertaining thereto that are situated in the districts of

Tangiore;

Rigapatam; and

Manargudi;

the boundaries being on the east, the Gulf of Bengal; on the north, the rivers called Vettar and Vemar; on the west and south the several limits of the districts of Tangiore, Manargudi, and Nizagapatam, which will thus constitute a continuous diocesan territory.

No. 2.

1. All the Christian communities, churches, chapels, as well as any other establishments appertaining thereto, together with the properties and revenues of the same at Calcutta and at Dacca or Daka, which are at present under the jurisdiction of the Portuguese Vicar-General of Bengal, and which for the sake of clearness are mentioned here, namely:—

Boitakanah, in the city of Calcutta;

Chinzurah;

Bandel, in the district of Hooghly, together with the schools appertaining thereto.

At Dacca or Daka, the Christian communities of Dacca (Our Lady of Mercy);

Tesgao (Our Lady of the Rosary);

Nagory (St. Nicholas' Tolentine);

Hosnabad (Our Lady of the Rosary);

with the Christian communities which are at present either annexed to or dependent thereon;

Shibpur (Our Lady of Guidance)

likewise, with the Christian communities which are at present either annexed to or dependent thereon.

2. The Christian communities, together with their churches and chapels now exclusively subject to the jurisdiction of the Archbishop of Goa, and situated within the actual limits of the Vicariate Apostolic of Maduré.

As regards the small villages therein under the two jurisdictions, the two Bishops of St. Thomas and of Maduré will draw up equitable proposals, in order that the Holy See and the patron may decide to which of the two jurisdictions they shall be subject for the future.

V. Although the declaration has already been made, nevertheless, for greater clearness, and in order to obviate any doubts for the future, it is hereby declared that whenever this Annex treats of Christian communities, it is understood that it means all the churches, chapels, as well as any other establishments that may be annexed to or dependent upon the same, together with the whole of their property and revenues.

Compensation will be given for any property belonging either to Portugal or to the Vicars-Apostolic at any places that may be mutually ceded. These matters shall be settled by the respective Bishops and Vicars-Apostolic by whom they are to be submitted to the consideration of the Holy See and of the Portuguese Government.

L. CARDINAL JACOBINI.

JOAO B. DE S. FERRAO DE CARVALHO MARTENS.

Rome, 23rd June 1886.

No. 46, dated Lisbon, the 5th August 1886.

From—GEORGE G. PETRE, Esq., Her Majesty's Minister at Lisbon.

To—The EARL OF IDDESLEIGH.

Supplementing my despatch No. 42 of the 29th ultimo to the Earl of Rosebery, I have the honour to inclose translation of those portions of the Reports signed respectively by the Ministers for Foreign Affairs and Marine, and by Senhor Martens Ferrão, the Portuguese Ambassador to the Holy See, which were published at the same time as the Convention concluded between the latter and Portugal on the 3rd June last, in which special reference is made to Great Britain.

M. de Barros Gomes states the case fairly enough in admitting that the Portuguese patronage was always contested as a right by the British Government, but was tolerated so long as a good understanding prevailed on the subject between Portugal and the Holy See. M. Martens Ferrão, however, goes much farther than this, and, as a jurist, upholds the Treaty right of Portugal from an international point of view, and even adds that not a single jurist will be found to maintain a contrary opinion. This is, to say the least, a very bold assertion; and, as the attitude of Her Majesty's Government has been one of complete neutrality as between Portugal and the Vatican, it is not very clear what purpose it served to make it.

I have always maintained in my conversations with the Ministers for Foreign Affairs and others that the Treaty of Bombay did nothing more than guarantee the free exercise of their religion and the fullest religious toleration to the Roman Catholic population, whose allegiance was transferred by that Treaty to the British Crown, and that I did not see how it was possible to construe it into a recognition of the ecclesiastical jurisdiction of Portugal over the whole territory of Hindoostan, not a foot of which at the time, except the Island of Bombay, belonged to England.

Extract from the "Diario do Governo" of July 28, 1886.

(Translation.)

Extract from the Report of the Ministers of Marine and Foreign Affairs relative to the Convention between the Holy See and Portugal, with reference to Portuguese Ecclesiastical Patronage in the East Indies, signed at Rome, June 23, 1886.

In addition to the complex causes which in Portugal, at the Vatican, and in India had placed the ancient and venerable right of patronage in that violent condition, there were others at times of an international nature which were extremely delicate, and connected the probable fate of the patronage with the vicissitudes of politics and of parties in a foreign nation. The traditional attitude of that nation with regard to religious matters might recognize that right of patronage as a matter of fact so long as a good understanding was maintained between Portugal and the Supreme Pontiff, but always contesting it as a right, and not tolerating it as the origin, as it might be, and as it then was, up to a certain point, of dissensions and of disturbances of the public peace in the vast empire placed under her dominion.

Extract from the Report of Senhor Martens Ferrão, Portuguese Ambassador to the Vatican, respecting the Negotiations for the Covention signed by him at Rome, June 23, 1886.

Lisbon, July 15, 1886.

2. England, as a non-Catholic country, ever since she put an end to ancient contentions, has kept entirely aloof from all questions of Catholic jurisdiction in her vast and differently situated possessions, as well as in Great Britain. The reason of this is both historical and administrative. It is not my business to discuss this historical point, or to analyze the special features of English administration, which is in accordance with the character and conditions of the people over whom it rules.

In the Memoranda which I presented to the Holy See, especially in the one of the 15th February, I mentioned several facts that had occurred in Hindostan of great importance as regards this matter.

In this place I shall only state, in a few words, that the regular exercise of Portuguese patronage in Hindoostan is based, as far as England is concerned, upon the obligatory force of Treaties as well as upon tradition, and upon an uninterrupted possession up to the present.

I must observe as a principle that the recognition of the patronage is made on the part of the Holy See, because its effects are solely and purely canonical; and, as the Supreme Pontiff freely governs the various Churches and Missions, he can, as he has always done, recognize the canonic title-deeds of the existing patronage, and accept the exercise of the same, as it is *de jure* accepted.

But this, which is a general doctrine, in view of the manner in which England accepts the free administration of the Catholic Church, is based, as regards the Portuguese patronage in India, on the right of Treaties.

In the Bombay Treaty of the 23rd June 1661, which is subsequent to the establishment of all the patronage bishoprics in India, as I have shown, the following stipulation is made in the XIth Article :—

"The inhabitants of the said island (as the King of Great Britain's subjects, and under his sovereignty, Crown, jurisdiction, and Government) being suffered still to live there, and enjoy the free exercise of the Roman Catholic religion, in the same manner as they now do, it being understood and declared once for all that the same order shall be observed for the exercise and preservation of the Roman Catholic religion in Tangier, and all other places which shall be delivered by the King of Portugal into the possession of the King of Great Britain, as was provided for and agreed upon, the delivery of Dunkirk into the hands of the English," &c.

As Catholicity was not at the time received either in England or in her dominions, it is clear that the carrying out of that condition depended upon the maintenance of the Portuguese ecclesiastical hierarchical order in those regions, as existing at that time, that is to say, provided by the patron, and organized in the various Portuguese dioceses, as had long been the case, verily the legal *statu quo* not only at Bombay, but throughout the whole of India.

In the record of the delivery of Bombay on the 18th February, 1665, as transcribed in Mr. Biker's collection, the following declaration is to be found :—

" Item que não se intrometterão os Senhores Inglezes nas materias da fé nem obrigarão os moradores da dita ilha de Bombaim, nem directa nem indirecta a muder de crença, nem de ouvir suas predicas, e deixarão aos ministros ecclesiasticos

exercitar suo juridicão, sem impedimento algum, por ses esta condição expressa nós capitulos da paz, e debaixo da qual seilhes mandar fazer a entrega; e fazendo em algum tempo o contrario se entenderá que quebraram o assentado e promettido, e recairá o direito da dita ilha para a Coroa de Portugal."

"Item that the English shall not concern themselves in matters of faith nor oblige the inhabitants of the said Island of Bombaim directly or indirectly to alter their belief, nor to come to hear their sermons. And they shall let the ecclesiastical ministers exercise their jurisdiction without any disturbance, this express condition being in the Articles of peace, and under it the delivery is commanded to be made to them, and they doing at any time to the contrary, it shall be understood a breach of what is let down and promised, and the right of the said Island shall return to the Crown of Portugal."

And further on :—

"Item que aos parochos e religiosos que assistem em Bombaim se terá todo o respeito devido e promettido, e as igrejas não serão tomadas para uso algum, nem n'ellas se façam predicas, e aos que o intentarem, se de o castigo devido que sirva de exemplo."

"Likewise that due respect, as promised, shall be shown to the parish priests and friars residing at Bombay, and that the churches shall not be seized for any purpose, and that no sermons shall be preached therein, and that any persons attempting to do so shall be duly punished so as to serve as an example."

In the work named "Quadro elementar das Relações Politicas e Diplomaticas de Portugal com as diversas Potencias do Mundo" ("Schedule of the Political and Diplomatic Relations between Portugal and other Nations of the World"), the following passage is to be found in the part relating to this period, which I transcribe :—

"16 de Agosto de 1663. Carta regia mandada excutar em nome das conveniencias'particulares do Estado da India. Por ella se declaron formal e explicitamente a reserva que fazia a Coroa de Portugal *in perpetuum*, do padroado com todas as regalias que até entáo gozára, acrescentando que os pleitos civis dos Christãos Catholicos seriam decididos com assistencia do, feitor que el Rei de Portugal nomeasse, e ordenando que só quando elle o julgasse necessario teria logar a appellacão para as justiças Inglezas, correndo o processo perante ellas, mas sempre na lingua Portugueza."

"16th August, 1663. Royal letter ordered to be carried into effect in view of the special expediency of the State of India. The reservation made by the Crown of Portugal *in perpetuum* of the patronage, together with all the privileges enjoyed up to that time, is formally and explicitly declared therein, and it is added that the civil suits of the Christian Catholics would be decided in the presence of the factor appointed by the King of Portugal, and commanding that no appeal should be made to the English Judges unless he should deem it necessary, in which case the suits would be pleaded before them, but always in the Portuguese language."

The same document gave the assurance that the British Government would treat us with perfect friendship in every place, as if the two nations in India formed one only nation, and that for this purpose assistance would be rendered in every respect in order to carry into effect the Decrees of the Crown of Portugal.

The Royal letter also added that the actual vicars and their successors would be appointed by the Prelate of Goa as until then, and that the churches of Bombay would continue under the Royal patronage with all the rights and privileges thereunto appertaining, His Majesty reserving the same for himself and his successor absolutely and for ever, in such a manner that any infraction of this principal Article would render all the other clauses of the first Treaty and of the recent Convention—to which the foregoing Articles concerning the delivery had reference—null and void, so that, should any one of the same be either broken or altered, the whole should be looked upon as revoked, and the whole right of sovereignty over the Island of Bombay would again revert to the Crown of Portugal.

The said author, in referring to the aforementioned deed of the delivery of Bombay, as quoted in Mr. Biker's collections, says that the same is to be found in the Public Library at Evora, MSS. Cod : CXVI—39, p. 305.

Senhor Conselheiro Barrosé Sá, in a very learned speech delivered by him at a sitting of the Chamber of Peers during the last Session treated this matter at great length.

With regard to this subject, the Convention between Antonio de Mello e Castro, Viceroy of the States of Portuguese India, and Abraham Thepman, Governor of British India, relative to the delivery of Bombay, may also be consulted; it is to be found in the General Register of the Office of the State of Goa, in accordance with the above-quoted reference.

Consequently, the provisions of the Treaty of 1661—the conditions of which constitute a legal onus—the explicit condition set forth at great length in the authentic Royal letter of 1663, of which I have quoted the substance, as well as the official record of the possession taken, likewise transcribed, are incontestible documents in support of the Portuguese rights. These express documents regulate the mutual rights and obligations of the parties concerned. But above all these documents there is the fact which constitutes a right in international law—that is, the long and peaceable possession of the full exercise of the Portuguese patronage in all the cathedral churches of Hindoostan, and in all the Christian communities dependent thereon, founded on a lawfull title both evident and recognized; which possession has, moreover, been uninterruptedly exercised both before and after the establishment of the British dominion. This fact, even if those documents did not exist at all, would, *per se*, constitute a legal right which could not be impugned *bonâ fide*. Ancient and modern writers on international law such as Watel, Hoefter, Bluntschli, Calvo, Martens, and others are quite agreed upon this point.

Even if those diplomatic documents, which are a most valid proof that a respect for the Portuguese patronage in India was made a condition for the dominions and rights ceded in the Treaty of 1661 did not exist at all, the uninterrupted possession of a fact based upon Concessions granted by the Holy See subject to onerous obligations, carried on without opposition and in a peaceable manner for centuries in the churches of India, would exhibit all the characteristics of a tacit Treaty, and would therefore constitute, as regards Portugal, a real title based on international law. Not a single legist will be found to maintain a contrary opinion.

Dated Foreign Office, London, the 2nd September 1886.

From—Sir T. V. LISTER, K.C.M.G., Assistant Under Secretary of State for Foreign Affairs.

To—Her Majesty's UNDER SECRETARY OF STATE for India.

With reference to my letter of the 1st instant, I am directed by the Earl of Iddesleigh to state to you, for the information of the Secretary of State for India in Council, that Her Majesty's Ambassador at Rome reports, under date of the 20th ultimo, that he has been informed by the Portuguese Chargé d' Affaires to the Holy See that he signed on the 16th ultimo, with Cardinal Jacobini the Ratifications of the Concordat recently concluded between Portugal and the Vatican, for the regulation of Ecclesiastical Jurisdiction in the East Indies.

Dated Foreign Office, London, the 17th September 1886.

From—Sir T. V. LISTER, K.C.M.G., Assistant Under Secretary of State for Foreign Affairs.

To—Her Majesty's UNDER SECRETARY OF STATE for India.

With reference to my letter of the 2nd instant, I am directed by the Secretary of State for Foreign Affairs to transmit to you, to be laid before the Secretary of State for India in Council, copy of a despatch as marked in the margin relating to the Concordat between Portugal and the Vatican.

Sir J. Lumley, No. 232, dated 27th August 1886.

No. 232, dated Rome, the 27th August 1886.

From—Right Hon'ble Sir J. S. LUMLEY, G.C.B., Her Majesty's Ambassador at Rome.

To—The EARL OF IDDESLEIGH.

I have the honour to inclose herewith copy of the Concordat concluded between the Holy See and Portugal, which was signed on the 23rd June by Cardinal Jacobini and the Portugese Envoy to the Vatican, Don Silva Ferrao de Carvalho Martens, and which has been published in the "Moniteur de Rome" of this date.

Extract from "Le Moniteur de Rome" of August 26, 1886.

Concordat stipulé le 23 Juin, 1886, entre le Saint-Siège et le Portugal.

Au nom de la Très Sainte Trinité.

SA Sainteté le Souverain Pontife Léon XIII et Sa Majesté Très Fidèle le Roi Dom Louis I, animés du désir de favoriser les progrès du Christianisme aux Indes Orientales, et d'y régler d'une manière stable et définitive le Patronat de la Couronne de Portugal, ont résolu de faire un Concordat. Ils ont nommé à cet effet

deux Plénipotentiaires, c'est-à-dire, au nom de Sa Sainteté, l'Eccellentissime et Reverentissime Cardinal Ludovic Jacobini, son Secrétaire-d'Etat, et, au nom de Sa Majesté Très Fidèle, son Excellence M. Jean-Baptiste da Silva Ferrão de Carvalho Martens, Ambassadeur Extraordinaire et Ministre d'Etat honoraire ; lesquels, ayant échangé leurs pleins pouvoirs respectifs, et les ayant trouvés en bonne et due forme, sont convenus d' adopter les Articles suivants :—

ARTICLE I.

En vertu des anciennes concessions Pontificales, l'exercice du Patronat de la Couronne de Portugal sera continué, conformément aux règles canoniques, dans les Eglises Cathédrales des Indes Orientales, d'après les modifications énoncées dans le présent Concordat.

ARTICLE II.

Quant à l'Eglise Métropolitaine et 'Primatiale de Goa, l'Archevêque continuera d'exercer ses droits de Métropolitain dans les diocèses suffragants.

Par une bienveillante concession de Sa Sainteté, l'Archevêque *pro tempore* sera élevé à la dignité de Patriarche *ad honorem* des Indes Orientales, et il jouira, en outre, du privilège de présider les conciles nationaux de toutes les Indes Orientales, lesquels se réuniront d'ordinaire à Goa, sauf le droit du Pape d'en disposer autrement dans des circonstances particulières.

ARTICLE III.

La province ecclésiastique de Goa sera composée, outre le siège Métropolitain des trois diocèses de Damau ayant aussi le titre de Cranganor, de Cochin, et de Saint Thomé de Meliapor.

Les limites de ces trois diocèses et les lieux qui leur sont sujets seront indiqués dans une feuille séparée.

ARTICLE IV.

Dans le diocèse Métropolitain de Goa, de même que dans les trois diocèses suffragants, le droit de Patronat sera exercé par la Couronne de Portugal.

ARTICLE V.

En vue des avantages qui, par suite de la reconstitution des trois diocèses sus-indiqués, et, partant, d'une province ecclésiastique régulière, pourront résulter en faveur des fidèles de ces contrées, il reste convenu que quelques-uns des groupes principaux des Chrétientés Goanaises, tels qu'ils sont indiqués dans une annexe spéciale, bien que n'étant pas compris dans les limites des trois diocèses susmentionnés, y seront néanmoins agrégés, eu égard aux éléments matériels et moraux d'homogénéité qui les assimilent a ces mêmes diocèses.

Dans les missions Goanaises des autres diocèses, l'Ordinaire devra confier de préférence le soin des âmes à des prêtres Goanais ou Portugais relevant de son autorité.

ARTICLE VI.

Le Gouvernement Portugais prend l'engagement de pourvoir a la dotation convenable des diocèses susmentionnés, des chapîtres, du clergé, et des séminaires, et il coopérera d'une manière efficace à seconder l'action des Évêques, pour fonder des écoles, des orphelinats, et d'autres institutions requises pour le bien des fidèles et l'évangélisation des païens.

ARTICLE VII.

Pour les quatre diocèses de Bombay, Mangalor, Quilon, et Maduré, qui seront érigés par l'institution de la hiérarchie aux Indes, les Métropolitains avec les Évêques suffragants, à la vacance des sièges épiscopaux, de même que, à la vacance du siège archiépiscopal, les suffragants de la province formeront une *terne* à leur libre choix et la communiqueront à l'Archevêque de Goa, qui la remettra à la Couronne, et celle-ci devra présenter au Saint-Siège un candidat, sur les trois compris dans la *terne*, dans un délai de six mois, après lequel la liberté du choix est dévolue au Saint-Siège.

ARTICLE VIII.

Le Souverain Pontife nommera pour la première fois lès Archevêques et les Évêques des quatre diocèses indiqués à l'Article précédent, diocèses qui seront fondés dès qu'aura lieu la constitution de la hiérarchie ecclésiastique.

ARTICLE IX.

Les Chrétientés de Malacca et de Singapour, actuellement dépendantes de la juridiction extraordinaire de l'Archevêque de Goa, seront sujettes à la juridiction de l'Evêque de Macao.

ARTICLE X.

Le Patronat de la Couronne étant ainsi réglé le Saint-Siege jouira, dans tout le territorie restant des Indes Orientales, de la pleine liberté de nommer les Evêques et de prendre les résolutions qu'il croira opportunes pour le bien des fidèles.

ARTICLE XI.

Les concessions précédentes relatives au Patronat de la Couronne aux Indes Orientales étant modifiées et interprétées de la sorte, les Articles 3, 4, 5, 6, et l'Annexe A du Concordat de 1857 restent en vigueur.

ARTICLE XII.

Le présent Traité avec son annexe, qui en forme partie intégrante, sera ratifié par les Hautes Parties Contractantes, et les ratifications seront échangées à Rome, dans le terme de trois mois à dater de la signature, ou avant si c'est possible.

Rome, le 23 *Juin,* 1886.

L. Card. JACOBINI.

JEAN-BAPTISTE DE SILVA FERRAO DE CARVALHO MARTENS.

Government of India Central Printing Office.—No. 999 H. D.—1-3-87.—300.

Exd.——W. B. G.

No. 101 (Public—Ecclesiastical), dated India Office, London, the 4th November 1886.

From—Her Majesty's SECRETARY OF STATE for India.

To—His Excellency the Right Honourable the GOVERNOR GENERAL of India in Council.

IN continuation of my Despatch of the 7th ultimo, No. 87, I transmit copy of a further letter* from the Foreign Office, with enclosure, on the subject of the Concordat recently concluded at Rome respecting the Roman Catholic Ecclesiastical Patronage in India.

* Dated 29th September 1886, and enclosure.

2. With reference to the Despatch from the Government of Bombay, dated the 13th ultimo, No. 7, I request that Your Excellency in Council will inform that Government, in connection with any communication Your Government may address to them on the subject of this Concordat, that I have received and forwarded to the Foreign Office a copy of the petition from certain Parishioners of the Roman Catholic Churches in Bombay, Salsette, and Bassein protesting against their subjection in ecclesiastical matters to the spiritual jurisdiction of the Crown of Portugal and of Bishops appointed by that Power.

Dated Foreign Office, the 29th September 1886.

From—Sir T. V. LISTER, K.C.M.G., Assistant Under Secretary of State for Foreign Affairs.

To—Her Majesty's UNDER SECRETARY OF STATE for India.

WITH reference to my letter of the 1st instant, I am directed by the Secretary of State for Foreign Affairs to transmit to you, to be laid before the Secretary of State for India in Council, a copy of a Despatch, as marked in the margin, relating to a petition addressed to the King of Portugal by the Roman Catholic inhabitants of Ceylon against the ratification of the Papal-Portuguese Convention respecting Ecclesiastical Patronage in India which was signed at Rome on the 23rd of June last.

Mr. Petre, No. 52, dated 30th August 1886.

No. 52, dated Lisbon, the 30th August 1886.

(Received 3rd September.)

From—Mr. GEORGE G. PETRE.

To—The EARL OF IDDESLEIGH.

A PETITION purporting to be signed by 1,500 of the Roman Catholic inhabitants of Ceylon against that portion of the Concordat signed at Rome on the 23rd June last, which excludes Ceylon from the spiritual jurisdiction of the Primate of Goa, has been sent to the King of Portugal. It is dated Colombo, 29th July. I do not think it worth while troubling Your Lordship with a translation of this lengthy document, in which His Most Faithful Majesty is asked to withhold a ratification which has already taken place. The petitioners not only extol the merits of the Goanese Clergy, and deplore their deprivation of the blessings of the Portuguese Patronage, but they speak in most disparaging terms of the Vicars-Apostolic and the Clergy under their jurisdiction. They even go so far as to say that it would be "cruel and intolerable" to place them under that "abominable yoke."

Whatever blessings the Portuguese Patronage may have conferred, Christian charity, as far as these petitioners are concerned, does not appear to be one of them.

No.

No. 87, dated 7th October 1886.

Copy, with copy of the Despatch marginally noted, forwarded to the Government of $\frac{\text{Madras}}{\text{Bombay}}$ for information, in continuation of Home Department endorsement No. $\frac{2}{2}\frac{1}{1}\frac{7}{8}$, dated 6th August 1886.

By Order,

Home Department,
(Ecclesiastical);
Calcutta, the January 1887.

J. P. HEWETT,

Offg. Under Secy. to the Govt. of India.

Government of India Central Printing Office.—No. 998 H. D.—19-1-87.—93.

Exd.—N. C. D.

No. 87 Public (Ecclesiastical), dated India Office, London, the 7th October 1886.

From—Her Majesty's SECRETARY OF STATE for India.

To—His Excellency the Right Honourable the GOVERNOR GENERAL of India in Council.

I forward herewith, for the information of Your Excellency in Council, copies of the letters from the Foreign Office, noted in the margin, relative to a Convention between the Holy See and the Kingdom of Portugal for the settlement of the question of Ecclesiastical Patronage in India which has recently been signed at Rome.

Foreign Office to India Office, dated 7th July 1886, with enclosure.
Foreign Office to India Office, dated 1st September 1886.
Foreign Office to India Office, dated 2nd September 1886.
Foreign Office to India Office, dated 17th September 1886.

2. I also forward a copy of a letter (with enclosure), dated the 13th of August 1886, which has been addressed to the Prime Minister by Cardinal Manning on this subject.

Dated Foreign Office, the 7th July 1886.

From—Sir J. PAUNCEFOTE, K.C.M.G., Under Secretary of State for Foreign Affairs.

To—The UNDER SECRETARY OF STATE for India.

With reference to the letter from this office of the 18th ultimo, I am directed by the Earl of Rosebery to transmit to you herewith, to be laid before Her Majesty's Secretary of State for India in Council, a copy of a Despatch, with its enclosure, from Her Majesty's Ambassador at Rome, with reference to the Concordat recently signed at the Vatican between the Portuguese Ambassador and the Papal Secretary of State Cardinal Jacobini, for regulating the question of the right of Patronage of Portugal in the East Indies.

Sir J. Lumley, No. 186, dated 29th June.

No. 186, dated Rome, the 29th June 1886.

From—Right Honourable Sir J. SAVILE LUMLEY, G.C.B., Her Majesty's Ambassador at Rome.

To—The Earl of ROSEBERY, &c., &c.

On Wednesday 23rd instant, the new Concordat between Portugal and the Curia for regulating the question of the right of Patronage of Portugal in the East Indies was signed at the Vatican by the Portuguese Ambassador, Don Silva Ferrao de Carvalho Martens, and Royal Secretary of State, Cardinal Jacobini.

The *Moniteur de Rome* in an article, herewith enclosed, alludes to the numerous and serious difficulties which for more than half a century have prevented the conclusion of any definitive arrangement of this question for which the enlightened and pacific policy of the present Pope has now found a satisfactory solution, which, while upholding the supreme interests of Catholicism, has respected the historical traditions and the susceptibilities and desires of Portugal, a solution which it states has been very favourably received throughout the Kingdom.

The text of this Concordat has not yet been officially published.

Extract from "Le Moniteur de Rome," 25th and 26th June 1886.

LE ST. SIÈGE ET LE PORTUGAL.

Mercredi, comme nous l'avons annoncé, a été signalé au Vatican par Son Excellence M. le Sécrétaire d'Etat, de Sa Sainteté et Son Excellence l'Ambassadeur du Portugal, le nouveau Concordat qui règle la question du droit de patronage de la Couronne de Portugal aux Indes Orientales. C'est une nouvelle et glorieuse page à ajouter aux annales déjà si remplies du Pontificat de León XIII. Depuis plus d'un demi-siècle de graves et nombreuses difficultés avaient empêché la conclusion d'un accord définitif sur cette question du patronage. Quoique la force des choses exigeât une re-organisation de l'Eglise dans ces contrées, mille obstacles de tout genre s'opposaient à cette œuvre pacificatrice, les précédents historiques, les changements survenus, les susceptibilités nationales; bref jusque-là, malgré tous les efforts, on n'avait pu trouver un terrain commun, qui conciliât les droits et les intérêts respectifs des deux parties.

Il était réservé à l'esprit éclairé et à la volonté persévérante de Leon XIII de terminer de la façon la plus pacifique et la plus heureuse ce long et épineux debat de sauvegarder les intérêts suprêmes du Catholicisme dans ces contrées en ménageant les susceptibilités du patriotisme portugais. C'est-là le grand et incontestable mérite de la solution intervenue. Le Saint Siège a tenu compte des justes desirs du Portugal, mais sans perdre de vue les légitimes exigences des vastes et nombreuses Chrétientés disséminées dans l'Hindoustan. Sans entraver une organisation plus régulière et mieux appropriée aux besoins actuels de la hiérarchie Catholique, elle flatte l'amour-propre et le patriotisme portugais. Elle rappelle, pour ainsi dire, à tous que ce généreux peuple a été le premier à porter dans ces contrées les lumières de l'Evangile et le flambeau de la civilisation Chrétienne, que si d'autres peuples sont venus, apres lui récolter la moisson, c'est lui qui, le premier, a ensemencé ce champ dont la merveilleuse fécondité nous étonne aujourd'hui.

Aussi la solution donnée à cette question du patronage a-t-elle été accueillie dans tout le Portugal avec la plus vive et la plus entière satisfaction. Une feuille officieuse, le *Comercio de Portugal* s'exprime à ce sujet, en ces termes dignes d'attention.

Animé de la meilleure volonté de nous être agréable, le Saint Père a su concilier dans les négociations autant que lui le permettaient sa haute sagesse et sa conscience éclairée, le respect pour nos droits et nos traditions historiques avec les exigences d'une situation creée déjà depuis longtemps aux Indes comme aussi avec es progrès de la foi religieuse dans ces contrées.

On ne saurait parler avec plus de vérité et de justesse.

En attendant que le texte du concordat soit publié officiellement qu'il nous suffise de dire que ce traité de paix entre une nation Catholique et le St. Siége vient fournir au monde une nouvelle preuve de la puissance morale incontestée et de l'ascendant universel de la Papauté. Mais cette œuvre pacificatrice n'est pas seulement un précieux titre de gloire pour le grand Pontife qui préside si sagement aux destinées de l'Eglise; elle honore aussi infiniment le Gouvernement qui a tenu dans cette circonstance à resserrer son entente étroite avec le St. Siège et qui a vu dans cette union un gage de prospérité et de grandeur nationale.

Dated Westminster, the 13th August 1886.

From—Henry Edward Cardinal Manning.

To—The Marquis of Salisbury, K.G., &c., &c., &c.

I am instructed by the Cardinal Secretary of State in Rome, in a letter of which I herewith transmit a copy, to communicate to Your Lordship that the negotiations between the Holy See and the Government of Portugal have been concluded and have taken the form of a *Concordat*, the nature of which is as follows :—

1. The Metropolitan See of Goa will have the three Suffragan Sees, Daman, Cranganore, and St. Thomas of Meliapour.

2. The four Vicariates of Bombay, Mangalore, Quilon, and Madura will be erected into Dioceses by the constitution of the Hierarchy, and will form a province with their Metropolitan where they will henceforth in the vacancy of any See select three names to be proposed to the Crown of Portugal to which the nomination of the Bishop is conceded.

3. Finally the Goanese or Portuguese Catholics outside of the Ecclesiastical Portuguese Province, that is, throughout the rest of British India, will depend upon the Bishops in each several locality.

The result of this Concordat, as Your Lordship will perceive, is as follows :—

1. The pretension of the Crown of Portugal to Ecclesiastical Patronage and the claim of the Archbishop of Goa to jurisdiction throughout the territory of British India is extinguished.

2. The Patronage of the Crown of Portugal and the jurisdiction of the Archbishop of Goa are restricted to the Ecclesiastical Province containing the seven Suffragan Sees above named.

3. The Crown of Portugal will have the nomination of the Metropolitan and Bishops of Bombay, Mangalore, Quilon, and Madura, but only from a list of three names presented by the Bishops of those Sees.

4. In the four Dioceses of Bombay, Mangalore, Quilon, and Madura the Portuguese or Goanese population is considerable, consisting of 103 priests and 104,500 Catholics, and this concession to the Crown of Portugal will give satisfaction, the limitation of choice to the three names will always be a sufficient security to the British Government for the character of the person nominated.

5. The abandonment of the Portuguese Patronage and jurisdiction throughout the rest of British India gives a very large security to our Government by terminating the pretensions which have hitherto caused disturbance.

6. It is intended to bring the whole state of the Church in India into Canonical order by the erection of the Hierarchy.

This summary contains in outline and in substance the effect of the *Concordat*, and is highly favourable to the peace and welfare of British India and its Government.

Dated Rome, the 21st June 1886.

From—H. E. Ludovico Cardinal Jacobini.

To—Henry Edward Cardinal Manning.

Essendosi la Santa Sede giovata per il passato dell influenza di cui gode l' Eminenza vostra presso alcuni personaggi del Governo Inglese, allo scopo dio interessalo nella vertenza del Patronato Portoghese salle Indie Orientale, è desiderio del Santo Padre che le venga comunicato lo stato atturle delle trattative che omi volgono a termine.

Porche nei prossimi giorni sarà sotto seritto il nuovò concordato fra la S. Sede ed il Portogallo, e perciò non remane che ratificarbo dopo la relation approvazione delle Camere.

Col nuovo concordato poi alla Sede Metropolitana di Goa, vengono aggiunte tre Diocesi Suffragance, civè Daman, Crangoanor, e S. Thomé de Meliapour. Per le quattro Diocesi di Pombay, Mangalor, Quilon, e Maduré. che verranno erette colla costituzione della Gerarchia i Vescovi della Provincia col respettivo metropolitano formeranno una terna dentro la quale la Corona Portoghese seegliera il Vescovo che riterrà mighore. In fine i gruppi principali dei Goanesi, che rimangono fuori della Prouvinco ecclesiastica Portoghese dihenderanno rispettivamente dagli Ordinarii di esse.

Come Vostra Eminenza facilmente comprenderà le antiche pretese del Portogallo vengono per tal quisa limitate di molto, e se non, si è ottenuto tutto quello che si aveva diritto di esigere, vi è luogo a sperare che le concession della Santa Sede sarnano largamente compensate.

La fondazione di una Provincia ecclesiastica Portoghese colle relative istituzioni, la quale si è in qualche maniera ricostituita colle Diocesi Portoghesi pre esistenti, ma però in territorii peù ristretti, la celsazione della guirisdizione straordinaria, e l'alsettamento regolare di quelle cristianità mentre varrauno ad eliminare gli inconvenienti che si deploravano pel passato potranno inoltre produrre seri e positivi vantaggi.

Quello poi che più monta si è che il Portogallo laseiando libero campo alla Santa Sede in tutto il rimanente territorio delle Indie, potrà quanto, prima fondarsi colà la Gerarchia ecclesiastica. Cotesta forma rispondente alle attuali condizione ed esigenze di quelle cristianita renderà più regogliosa la vita della chiesa nelle Indie, e vi forà prosperare tutte quelle istituzioni che un organamento normale, ed uno stato di crescente vitalità sogliono produrre. Vostra Eminenza raoviserà queste disposizioni non solamente conformi ai diritti della Santa Sede, ma anche alle manifestazioni del Governo Inglese. Daltronde solla costituzione della Gerarchia mentre si provvede ad una definitiva sistemazione della chiesa nelle Indiee d'altra parte si rende manifesto il progresso religioso che mole essere argomento e cagione anche del progresso civile di un popolo.

Pertanto nel pregare Vostra Eminenza di for conosceere al Signor Gladston, quanto la S. Sede ha determinato per la sistemazione degli affari religioso nelle Indie mi valgo con piacere della opportunita per confermarle i sensi del mio profundo ossequio, con eui le bacio umilissimanente le mani.

Dated Foreign Office, London, the 1st September 1886.

From—Sir T. V. Lister, K.C.M.G., Assistant Under Secretary of State for Foreign Affairs.

To—Her Majesty's Under Secretary of State for India.

With reference to my letter of 18th June I am directed by the Secretary of State for Foreign Affairs to transmit to you, to be laid before the Secretary of State for India in Council, the accompanying copies of two despatches from Her Majesty's Minister at Lisbon, with reference to a Convention between the Holy See and Portugal respecting Ecclesiastical Patronage in the East Indies.

[Mr. Petre, Nos. 42—46.

No. 42, dated Lisbon, the 29th July 1886.

From—GEORGE G. PETRE, Esq., Her Majesty's Minister at Lisbon.

To—The EARL OF ROSEBERY.

The official Gazette of yesterday published the text in Portuguese and Italian of the Convention between the Holy See and Portugal for the settlement of the questions at issue concerning the ecclesiastical jurisdiction of the Crown of Portugal in India, which was signed at Rome on the 23rd of last month. The Royal Decree ratifying this Convention is preceded by a very lengthy Report signed by the Ministers of Marine and Foreign Affairs, and is followed by a still more voluminous Report addressed by Senõr Martens Ferrao, the Portuguese Ambassador at Rome, who is at present in Lisbon, to the Minister for Foreign Affairs, treating of the whole question historically and juridically, and minutely detailing the progress and results of the negotiations. The letters exchanged between His Holiness and the King of Portugal in the months of January and February are also published in the Gazette.

I have the honour to inclose printed copies of all the documents abovementioned, together with a translation of the Convention itself and of the Annex which is an essential part of it.

The terms of the Agreement which has thus put an end to a long and, at times, an acrimonious conflict, will be found to be nearly identical with those described in my despatch No. 32 of the 4th June.

An arrangement which, without wounding the national pride of Portugal, very considerably curtails and strictly defines the ecclesiastical jurisdiction claimed by her within the dominions of another Power, and, at the same time, puts an end to the scandal of religious and civil conflicts between Christian communities, will probably be considered unobjectionable by the Government of India.

Extract from the "Diario do Governo" of July 28, 1886.

ROYAL DECREE.

(Translation.)

Taking into consideration the Report submitted to me by the Ministers and Secretaries of State for the Departments of Marine and Colonies and of Foreign Affairs, I hereby decree as follows :—

Article 1. The Convention signed at Rome on the 23rd June last, which, in accordance with the VIIth, Xth, XIVth, and XVIth Articles of the Concordat of the 21st February 1857, defines in a precise manner the limits of the Portuguese Bishoprics and lays down the conditions under which the exercise of the right of patronage of the Crown of Portugal in the East Indies shall continue in force, is hereby approved, and will be ratified within the period laid down in the XIIth Article of the same.

Article 2. The Government will render an account to the Cortes of the provisions contained in this Decree.

The Ministers and Secretaries of State for the Departments of Marine and Colonies and of Foreign Affairs shall accordingly carry this Decree into effect.

Given at the Palace, the 22nd July 1886.

THE KING.

(Countersigned.)

HENRIQUE DE MACEDO.

HENRIQUE DE BARROS GOMES.

Convention.

In the name of the Most Holy Trinity.

His Holiness the Supreme Pontiff Leo XIII, and His Most Faithful Majesty the King Don Lewis I., being animated with the wish to favour and further the development of the Christian communities in the East Indies, and to settle in a stable and definitive manner the patronage therein of the Portuguese Crown, have determined to make a Concordat, and for this purpose they have appointed their Plenipotentiaries, as follows: on the part of His Holiness the Most Eminent and Reverend Cardinal L. Jacobini, his Secretary of State, and on the part of His Most Faithful Majesty, His Excellency the Councillor of State, João B. da S. Ferrão de Carvalho Martens, Ambassador Extraordinary, a Peer of the Realm, and

Honorary Minister of State, who after exchanging their respective full powers, which were found in due and proper form, have agreed upon the following Articles :—

ARTICLE I.

In virtue of the ancient Papal Concessions, the exercise of the Royal patronage of the Portuguese Crown shall continue in force, in accordance with the Sacred Canons, in the Cathedral Sees in the East Indies, subject to the modifications laid down in this Concordat.

ARTICLE II.

As regards the Metropolitan and Primatial Church of Goa, the Archbishop shall continue to exercise his Metropolitan rights in the dioceses which are suffragan thereto.

The Archbishop, *pro tempore*, will, owing to the Concession kindly made by His Holiness, be raised to the high dignity of Patriarch, *ad honorem*, of the East Indies, and will moreover enjoy the privilege of presiding over the Provincial Councils throughout the East Indies, which will usually be held at Goa, saving the right of the Supreme Pontiff to rule otherwise under special circumstances.

ARTICLE III.

The Ecclesiastical and Metropolitan Province of Goa will be composed, in addition to the Metropolitan See of the three following dioceses, namely, of Damao, and of the titular See of Cranganor, of Cochin, and of St. Thomas of Meliapor.

The limits of each of these three dioceses, as well as the various places under their respective jurisdiction, will be laid down in a separate Annex.

ARTICLE IV.

The Crown of Portugal shall exercise the right of patronage in the Metropolitan Diocese of Goa and in the three suffragan dioceses.

ARTICLE V.

In view of the advantages which may accrue to the faithful from the reconstruction of the said three dioceses and from a regularly constituted ecclesiastical province, a few of the principal groups of the so-called Goanese Christian communities, of which mention is made in the Annex above-mentioned, and which are not comprised within the limits assigned to the said three dioceses, shall be annexed to the latter, with due regard to the homogeneous material and moral elements which surround them, and point out the expediency of their being joined together.

In the Goanese Missions of the other dioceses the Ordinary will give the preference to Goanese or Portuguese priests, subject to him as regards any appointments for the cure of souls.

ARTICLE VI.

The Portuguese Government on their part engage to provide for the proper endowment of the said dioceses referred to in the IIIrd Article of this Concordat, and of the Cathedral Chapters, of the clergy and of the seminaries, and to co-operate in an effectual manner with the respective Bishops for the foundation of schools, orphan asylums, and of other establishments that are requisite for the welfare of the faithful, and for the spread of the Gospel among the infidels.

ARTICLE VII.

With respect to the four dioceses of Bombay, Mangalor, Quilon, and Maduré, which will be erected on the establishment of the hierarchy in the East Indies, the Metropolitans, together with their suffragans in the event of any of the said Episcopal Sees falling vacant, and the Suffragan Bishops of the province in the event of the Archiepiscopal See falling vacant, shall, of their own free will, draw up a list of three names for communication to the Archbishop of Goa, who will forward the same to His Majesty the King of Portugal, who shall be bound to present, within the period of six months, a candidate to the Holy See selected from among the three names proposed. Should no such presentation have been made within the period of six months, the Holy See shall be at liberty to select any person it may think fit.

ARTICLE VIII.

The Archbishops and Bishops of the four dioceses mentioned in the foregoing Article, and which are to be created upon the establishment of the ecclesiastical hierarchy, shall for the first time be named by the Supreme Pontiff.

ARTICLE IX.

The Christian communities of Malacca and Singapore, which are now placed under the extraordinary jurisdiction of the Archbishop of Goa, will in future be subject to the jurisdiction of the Bishop of Macao.

ARTICLE X.

The patronage of the Crown of Portugal being thus settled, throughout the rest of the territory in the East Indies, the Holy See shall enjoy full liberty of appointing Bishops, and of adopting any measures it may deem expedient for the welfare of the faithful.

ARTICLE XI.

The former Concessions relative to the patronage of the Crown of Portugal in the East Indies having been thus modified and interpreted, the IIIrd, IVth, Vth, and VIth Articles, as well as the Annex (A) of the Concordat of the 21st February 1857, shall continue in force.

ARTICLE XII.

The present Treaty, together with its Annex, which is an integral part thereof, shall be ratified by the High Contracting Parties, and the ratifications shall be exchanged at Rome within three months from the date of the signature of the same, or sooner if possible.

(L.S.) L. CARDINAL JACOBINI.

(L.S.) JOAO B. DA S. FERRAO DE CARVALHO MARTENS.

Rome, June 23, 1886.

Annex to the Third Article of the Concordat of June 23, 1886.

I. The Patriarchal Metropolitan and Primatial See of Goa will comprise :—

1. The whole territory of the Portuguese possessions in India at present belonging to Portugal, with the exception of the districts of Damao and Diu, which will appertain to the Suffragan Diocese of Damao and Titular Diocese of Cranganor, in accordance with the IIIrd Article of this Concordat.

2. Northern Canara, with the Christian communities of either jurisdiction existing there, and which at present are the following, namely :—

- Of Sadahisgor, of Sunkerry, of Karwar, of Ankola, with the Christian communities of Bingi, Chindierro, Bollingolly, Yellopor ;
- Of Sirey, of Honowar, with the Christian communities of Kiroly, Boteul, Ferquembat ;
- Of Chandowar and Coompta ;
- Of Golmuna, with the Christian communities of Sounxim, Munkim, and Baitur ;

which will thus constitute a continuous diocesan territory under the ordinary jurisdiction of Goa.

3. The Christian communities at present existing within the above-mentioned division of territory which are now subject to the other jurisdiction will be placed under the ordinary jurisdiction of Goa.

II. The Diocese of Damao and Titular of Cranganor, now created in virtue of the VIIth Article of the Concordat of the 21st February 1857, will be thus formed :—

No. 1.

1. Of the districts of Damao and Diu, at present under the ordinary jurisdiction of the Archbishop of Goa ;

2. Of that part of the district of Broach lying to the south of the River Norhadda, and of the district of Surat ;

3. Of the district of Northern Kenkam;

4. Of the actual "varado" (territorial deanery) of the Islands of Salcete and Trombay;

5. Of the actual "varado" (territorial deanery) of Baçaim;

which will thus constitute a continuous diocesan territory subject to the ordinary jurisdiction of the diocese.

6. The under-mentioned Christian communities and establishments at present under the jurisdiction of the Vicar-Apostolic are excepted :—

In the district of Surat, the churches and parishes of Surat and Balsar.

In the Islands of Salcete and Trombay, the churches and whole parishes of Marolis and of Maucy in the Island of Trombay, at present under the jurisdiction of the Vicar-Apostolic, together with the establishments under the said jurisdiction appertaining thereto.

In Bandora, the church at present under the jurisdiction of the Vicar-Apostolic, with St. Stanislaus' Institute and St. Joseph's Convent, which already belong to him, as well as the churches of Juven, Condotina, and Culven, which are likewise under the jurisdiction of the Vicar-Apostolic.

7. In order to prevent any confusion, it is hereby declared that, in the actual "varados" (territorial deaneries, Nos. 4 and 5) of Salcete and Baçaim, the whole of the Christian communities, which are at present subject to the jurisdiction of the Arch-Diocese of Goa, shall, in future, continue to be subject to the ordinary jurisdiction of the Diocese of Damao; the Christian communities which are excepted in No. 6 not being at present under the jurisdiction of Goa.

No. 2.

The whole of the Christian communities, together with the churches, chapels, and establishments belonging to them, as well as their property and revenues in the City and Island of Bombay, which are at present under the jurisdiction of the Archbishop of Goa, shall also, in future, belong to the Diocese of Damao; for the sake of clearness they are named here, as follows :—

1. Masagao, together with the church and establishments belonging to it, and with the Chapel of St. Francis Xavier at Colaba, as well as the establishments appertaining thereto;
2. St. Francis Xavier at Dalbul;
3. Caval (Our Lady of Dolours), with the chapel at Lonpoor;
4. Upper Mahim (St. Michael's), with the Chapel of Good Counsel at Sion, as well as the school appertaining thereto;
5. Lower Mahim (Our Lady of Salvation), together with the chapels of Matenga and Parel, as well as the college and schools annexed thereto;

III. The limits of the Diocese of Cochin—Suffragan to Goa—are fixed as follows, and will comprise :—

No. 1.

1. The City of Cochin, together with all the Christian communities, churches, and chapels, as well as any other establishments appertaining thereto.

2. The following districts, with the Christian communities therein, subject to either jurisdiction, namely :—

Maltanchery and Amarambady (subject to the jurisdiction of the Archbishop and of the Vicar-Apostolic).

Pallaruti (under the jurisdiction of the Vicar-Apostolic).

Idacochi, Arus, Punuguto, and Perumpadippu.

Manasherry (St. Lewis).

Manasherry (St. Michael).

Caunnamale.

Candacadavuy.

Combalanganguy.

Chellanam (St. Sebastian).

Chellanam (St. George).

Pollitodu.

Truvine (subject to the jurisdiction of the Vicar-Apostolic and of the Archbishop).

Manacudam and Toveur.

Pallipuram.

Bendurti and Tevere.

Tanghi.

Arthungal (St. George).

Arthungal (St. Andrew), and Mararicolam and Chetti.

Mararicolam (under the jurisdiction of the Archbishop of Goa).

Kattur (Archbishop's jurisdiction).

Aleppi (jurisdiction of the Archbishop and of the Vicar-Apostolic).

Vattalunyhal (Archbishop's jurisdiction).

Pungavu (jurisdiction of Vicar-Apostolic).

Tumboly (jurisdiction of the Archbishop and of the Vicar-Apostolic).

No. 2.

In the actual Apostolic Vicariate of Quilon the under-mentioned Christian communities :—

1. Aravola ;
2. Caringolam ;
3. Pontorré ;
4. Tutur ;
5. Waliatowe ;
6. Velli ;

including the whole of the churches, chapels, establishments, property and revenues appertaining thereto.

IV. The limits of the Diocese of St. Thomas of Meliapor—Suffragan to Goa—are fixed as follows :—

No. 1.

1. The city of St. Thomas of Meliapor, with all its Christian communities subject to either jurisdiction, and with those of St. Thomas' Mount, including the churches, chapels, and establishments appertaining thereto, and also at

Palavaram, and

Cavelung and Chinglepett ;

with the following boundaries :—On the east the Gulf of Bengal ; on the north, Edward Elliot's Road and St. George's Cathedral Road ; on the west, the road from Madras to Congeveran as far as the River Palar ; on the south, the River Palar as far as the sea ; the whole of which will thus constitute a continuous diocesan territory.

2. In the actual Apostolic Vicariate of Maduré :—

The Christian communities subject to either jurisdiction, including the whole of the churches, chapels, as well as any other establishments appertaining thereto that are situated in the districts of

Tangiore ;

Rigapatam ; and

Manargudi ;

the boundaries being on the east, the Gulf of Bengal ; on the north, the rivers called Vettar and Vemar ; on the west and south the several limits of the districts of Tangiore, Manargudi, and Nizagapatam, which will thus constitute a continuous diocesan territory.

No. 2.

1. All the Christian communities, churches, chapels, as well as any other establishments appertaining thereto, together with the properties and revenues of the same at Calcutta and at Dacca or Daka, which are at present under the jurisdiction of the Portuguese Vicar-General of Bengal, and which for the sake of clearness are mentioned here, namely :—

Boitakanah, in the city of Calcutta ;

Chinzurah ;

Bandel, in the district of Hooghly, together with the schools appertaining thereto.

At Dacca or Daka, the Christian communities of Dacca (Our Lady of Mercy);

Tesgao (Our Lady of the Rosary);

Nagory (St. Nicholas' Tolentine);

Hosnabad (Our Lady of the Rosary);

with the Christian communities which are at present either annexed to or dependent thereon;

Shibpur (Our Lady of Guidance)

likewise, with the Christian communities which are at present either annexed to or dependent thereon.

2. The Christian communities, together with their churches and chapels now exclusively subject to the jurisdiction of the Archbishop of Goa, and situated within the actual limits of the Vicariate Apostolic of Maduré.

As regards the small villages therein under the two jurisdictions, the two Bishops of St. Thomas and of Maduré will draw up equitable proposals, in order that the Holy See and the patron may decide to which of the two jurisdictions they shall be subject for the future.

V. Although the declaration has already been made, nevertheless, for greater clearness, and in order to obviate any doubts for the future, it is hereby declared that whenever this Annex treats of Christian communities, it is understood that it means all the churches, chapels, as well as any other establishments that may be annexed to or dependent upon the same, together with the whole of their property and revenues.

Compensation will be given for any property belonging either to Portugal or to the Vicars-Apostolic at any places that may be mutually ceded. These matters shall be settled by the respective Bishops and Vicars-Apostolic by whom they are to be submitted to the consideration of the Holy See and of the Portuguese Government.

L. CARDINAL JACOBINI.

JOAO B. DE S. FERRAO DE CARVALHO MARTENS.

Rome, 23rd June 1886.

No. 46, dated Lisbon, the 5th August 1886.

From—GEORGE G. PETRE, Esq., Her Majesty's Minister at Lisbon.

To—The EARL OF IDDESLEIGH.

Supplementing my despatch No. 42 of the 29th ultimo to the Earl of Rosebery, I have the honour to inclose translation of those portions of the Reports signed respectively by the Ministers for Foreign Affairs and Marine, and by Senhor Martens Ferrão, the Portuguese Ambassador to the Holy See, which were published at the same time as the Convention concluded between the latter and Portugal on the 3rd June last, in which special reference is made to Great Britain.

M. de Barros Gomes states the case fairly enough in admitting that the Portuguese patronage was always contested as a right by the British Government, but was tolerated so long as a good understanding prevailed on the subject between Portugal and the Holy See. M. Martens Ferrão, however, goes much farther than this, and, as a jurist, upholds the Treaty right of Portugal from an international point of view, and even adds that not a single jurist will be found to maintain a contrary opinion. This is, to say the least, a very bold assertion; and, as the attitude of Her Majesty's Government has been one of complete neutrality as between Portugal and the Vatican, it is not very clear what purpose it served to make it.

I have always maintained in my conversations with the Ministers for Foreign Affairs and others that the Treaty of Bombay did nothing more than guarantee the free exercise of their religion and the fullest religious toleration to the Roman Catholic population, whose allegiance was transferred by that Treaty to the British Crown, and that I did not see now it was possible to construe it into a recognition of the ecclesiastical jurisdiction of Portugal over the whole territory of Hindoostan, not a foot of which at the time, except the Island of Bombay, belonged to England.

Extract from the "Diario do Governo" of July 28, 1886.

(Translation.)

Extract from the Report of the Ministers of Marine and Foreign Affairs relative to the Convention between the Holy See and Portugal, with reference to Portuguese Ecclesiastical Patronage in the East Indies, signed at Rome, June 23, 1886.

In addition to the complex causes which in Portugal, at the Vatican, and in India had placed the ancient and venerable right of patronage in that violent condition, there were others at times of an international nature which were extremely delicate, and connected the probable fate of the patronage with the vicissitudes of politics and of parties in a foreign nation. The traditional attitude of that nation with regard to religious matters might recognize that right of patronage as a matter of fact so long as a good understanding was maintained between Portugal and the Supreme Pontiff, but always contesting it as a right, and not tolerating it as the origin, as it might be, and as it then was, up to a certain point, of dissensions and of disturbances of the public peace in the vast empire placed under her dominion.

Extract from the Report of Senhor Martens Ferrão, Portuguese Ambassador to the Vatican, respecting the Negotiations for the Covention signed by him at Rome, June 23, 1886.

Lisbon, July 15, 1886.

2. England, as a non-Catholic country, ever since she put an end to ancient contentions, has kept entirely aloof from all questions of Catholic jurisdiction in her vast and differently situated possessions, as well as in Great Britain. The reason of this is both historical and administrative. It is not my business to discuss this historical point, or to analyze the special features of English administration, which is in accordance with the character and conditions of the people over whom it rules.

In the Memoranda which I presented to the Holy See, especially in the one of the 15th February, I mentioned several facts that had occurred in Hindostan of great importance as regards this matter.

In this place I shall only state, in a few words, that the regular exercise of Portuguese patronage in Hindoostan is based, as far as England is concerned, upon the obligatory force of Treaties as well as upon tradition, and upon an uninterrupted possession up to the present.

I must observe as a principle that the recognition of the patronage is made on the part of the Holy See, because its effects are solely and purely canonical; and, as the Supreme Pontiff freely governs the various Churches and Missions, he can, as he has always done, recognize the canonic title-deeds of the existing patronage, and accept the exercise of the same, as it is *de jure* accepted.

But this, which is a general doctrine, in view of the manner in which England accepts the free administration of the Catholic Church, is based, as regards the Portuguese patronage in India, on the right of Treaties.

In the Bombay Treaty of the 23rd June 1661, which is subsequent to the establishment of all the patronage bishoprics in India, as I have shown, the following stipulation is made in the XIth Article:—

"The inhabitants of the said island (as the King of Great Britain's subjects, and under his sovereignty, Crown, jurisdiction, and Government) being suffered still to live there, and enjoy the free exercise of the Roman Catholic religion, in the same manner as they now do, it being understood and declared once for all that the same order shall be observed for the exercise and preservation of the Roman Catholic religion in Tangier, and all other places which shall be delivered by the King of Portugal into the possession of the King of Great Britain, as was provided for and agreed upon, the delivery of Dunkirk into the hands of the English," &c.

As Catholicity was not at the time received either in England or in her dominions, it is clear that the carrying out of that condition depended upon the maintenance of the Portuguese ecclesiastical hierarchical order in those regions, as existing at that time, that is to say, provided by the patron, and organized in the various Portuguese dioceses, as had long been the case, verily the legal *statu quo* not only at Bombay, but throughout the whole of India.

In the record of the delivery of Bombay on the 18th February, 1665, as transcribed in Mr. Biker's collection, the following declaration is to be found:—

" Item que não se intrometterão os Senhores Inglezes nas materias da fé nem obrigarão os moradores da dita ilha de Bombaim, nem directa nem indirecta a muder de crença, nem de ouvir suas predicas, e deixarão aos ministros ecclesiasticos

exercitar suo juridicão, sem impedimento algum, por ses esta condição expressa nós capitulos da paz, e debaixo da qual seilhes mandar fazer a entrega; e fazendo em algum tempo o contrario se entenderá que quebraram o assentado e promettido, e recairá o direito da dita ilha para a Coroa de Portugal."

"Item that the English shall not concern themselves in matters of faith nor oblige the inhabitants of the said Island of Bombaim directly or indirectly to alter their belief, nor to come to hear their sermons. And they shall let the ecclesiastical ministers exercise their jurisdiction without any disturbance, this express condition being in the Articles of peace, and under it the delivery is commanded to be made to them, and they doing at any time to the contrary, it shall be understood a breach of what is let down and promised, and the right of the said Island shall return to the Crown of Portugal."

And further on :—

"Item que aos parochos e religiosos que assistem em Bombaim se terá todo o respeito devido e promettido, e as igrejas não serão tomadas para uso algum, nem n'ellas se façam predicas, e aos que o intentarem, se de o castigo devido que sirva de exemplo."

"Likewise that due respect, as promised, shall be shown to the parish priests and friars residing at Bombay, and that the churches shall not be seized for any purpose, and that no sermons shall be preached therein, and that any persons attempting to do so shall be duly punished so as to serve as an example."

In the work named "Quadro elementar das Relações Politicas e Diplomaticas de Portugal com as diversas Potencias do Mundo" ("Schedule of the Political and Diplomatic Relations between Portugal and other Nations of the World"), the following passage is to be found in the part relating to this period, which I transcribe :—

"16 de Agosto de 1663. Carta regia mandada executar em nome das conveniencias particulares do Estado da India. Por ella se declaron formal e explicitamente a reserva que fazia a Coroa de Portugal *in perpetuum*, do padroado com todas as regalias que até então gozára, acrescentando que os pleitos civis dos Christãos Catholicos seriam decididos com assistencia do feitor que el Rei de Portugal nomeasse, e ordenando que só quando elle o julgasse necessario teria logar a appellacão para as justiças Inglezas, correndo o processo perante ellas, mas sempre na lingua Portugueza."

"16th August, 1663. Royal letter ordered to be carried into effect in view of the special expediency of the State of India. The reservation made by the Crown of Portugal *in perpetuum* of the patronage, together with all the privileges enjoyed up to that time, is formally and explicitly declared therein, and it is added that the civil suits of the Christian Catholics would be decided in the presence of the factor appointed by the King of Portugal, and commanding that no appeal should be made to the English Judges unless he should deem it necessary, in which case the suits would be pleaded before them, but always in the Portuguese language."

The same document gave the assurance that the British Government would treat us with perfect friendship in every place, as if the two nations in India formed one only nation, and that for this purpose assistance would be rendered in every respect in order to carry into effect the Decrees of the Crown of Portugal.

The Royal letter also added that the actual vicars and their successors would be appointed by the Prelate of Goa as until then, and that the churches of Bombay would continue under the Royal patronage with all the rights and privileges thereunto appertaining, His Majesty reserving the same for himself and his successor absolutely and for ever, in such a manner that any infraction of this principal Article would render all the other clauses of the first Treaty and of the recent Convention—to which the foregoing Articles concerning the delivery had reference—null and void, so that, should any one of the same be either broken or altered, the whole should be looked upon as revoked, and the whole right of sovereignty over the Island of Bombay would again revert to the Crown of Portugal.

The said author, in referring to the aforementioned deed of the delivery of Bombay, as quoted in Mr. Biker's collections, says that the same is to be found in the Public Library at Evora, MSS. Cod : CXVI—39, p. 305.

Senhor Conselheiro Barrosé Sá, in a very learned speech delivered by him at a sitting of the Chamber of Peers during the last Session treated this matter at great length.

With regard to this subject, the Convention between Antonio de Mello e Castro, Viceroy of the States of Portuguese India, and Abraham Thepman, Governor of British India, relative to the delivery of Bombay, may also be consulted; it is to be found in the General Register of the Office of the State of Goa, in accordance with the above-quoted reference.

Consequently, the provisions of the Treaty of 1661—the conditions of which constitute a legal onus—the explicit condition set forth at great length in the authentic Royal letter of 1663, of which I have quoted the substance, as well as the official record of the possession taken, likewise transcribed, are incontestible documents in support of the Portuguese rights. These express documents regulate the mutual rights and obligations of the parties concerned. But above all these documents there is the fact which constitutes a right in international law—that is, the long and peaceable possession of the full exercise of the Portuguese patronage in all the cathedral churches of Hindoostan, and in all the Christian communities dependent thereon, founded on a lawfull title both evident and recognized; which possession has, moreover, been uninterruptedly exercised both before and after the establishment of the British dominion. This fact, even if those documents did not exist at all, would, *per se*, constitute a legal right which could not be impugned *bonâ fide*. Ancient and modern writers on international law such as Watel, Hoefter, Bluntschli, Calvo, Martens, and others are quite agreed upon this point.

Even if those diplomatic documents, which are a most valid proof that a respect for the Portuguese patronage in India was made a condition for the dominions and rights ceded in the Treaty of 1661 did not exist at all, the uninterrupted possession of a fact based upon Concessions granted by the Holy See subject to onerous obligations, carried on without opposition and in a peaceable manner for centuries in the churches of India, would exhibit all the characteristics of a tacit Treaty, and would therefore constitute, as regards Portugal, a real title based on international law. Not a single legist will be found to maintain a contrary opinion.

Dated Foreign Office, London, the 2nd September 1886.

From—Sir T. V. Lister, K.C.M.G., Assistant Under Secretary of State for Foreign Affairs.

To—Her Majesty's Under Secretary of State for India.

With reference to my letter of the 1st instant, I am directed by the Earl of Iddesleigh to state to you, for the information of the Secretary of State for India in Council, that Her Majesty's Ambassador at Rome reports, under date of the 20th ultimo, that he has been informed by the Portuguese Chargé d' Affaires to the Holy See that he signed on the 16th ultimo, with Cardinal Jacobini the Ratifications of the Concordat recently concluded between Portugal and the Vatican, for the regulation of Ecclesiastical Jurisdiction in the East Indies.

Dated Foreign Office, London, the 17th September 1886.

From—Sir T. V. Lister, K.C.M.G.., Assistant Under Secretary of State for Foreign Affairs.

To—Her Majesty's Under Secretary of State for India.

With reference to my letter of the 2nd instant, I am directed by the Secretary of State for Foreign Affairs to transmit to you, to be laid before the Secretary of State for India in Council, copy of a despatch as marked in the margin relating to the Concordat between Portugal and the Vatican.

Sir J. Lumley, No. 232, dated 27th August 1886.

No. 232, dated Rome, the 27th August 1886.

From—Right Hon'ble Sir J. S. Lumley, G.C.B., Her Majesty's Ambassador at Rome.

To—The Earl of Iddesleigh.

I have the honour to inclose herewith copy of the Concordat concluded between the Holy See and Portugal, which was signed on the 23rd June by Cardinal Jacobini and the Portugese Envoy to the Vatican, Don Silva Ferrao de Carvalho Martens, and which has been published in the "Moniteur de Rome" of this date.

Extract from "Le Moniteur de Rome" of August 26, 1886.

Concordat stipulé le 23 Juin, 1886, entre le Saint-Siège et le Portugal.

Au nom de la Très Sainte Trinité.

SA Sainteté le Souverain Pontife Léon XIII et Sa Majesté Très Fidèle le Roi Dom Louis I, animés du désir de favoriser les progrès du Christianisme aux Indes Orientales, et d'y régler d'une manière stable et définitive le Patronat de la Couronne de Portugal, ont résolu de faire un Concordat. Ils ont nommé à cet effet

deux Plénipotentiaires, c'est-à-dire, au nom de Sa Sainteté, l'Eccellentissime et Reverentissime Cardinal Ludovic Jacobini, son Secrétaire-d'Etat, et, au nom de Sa Majesté Très Fidèle, son Excellence M. Jean-Baptiste da Silva Ferrão de Carvalho Martens, Ambassadeur Extraordinaire et Ministre d'Etat honoraire ; lesquels, ayant échangé leurs pleins pouvoirs respectifs, et les ayant trouvés en bonne et due forme, sont convenus d' adopter les Articles suivants :—

ARTICLE I.

En vertu des anciennes concessions Pontificales, l'exercice du Patronat de la Couronne de Portugal sera continué, conformément aux règles canoniques, dans les Eglises Cathédrales des Indes Orientales, d'après les modifications énoncées dans le présent Concordat.

ARTICLE II.

Quant à l'Eglise Métropolitaine et 'Primatiale de Goa, l'Archevêque continuera d'exercer ses droits de Métropolitain dans les diocèses suffragants.

Par une bienveillante concession de Sa Sainteté, l'Archevêque *pro tempore* sera élevé à la dignité de Patriarche *ad honorem* des Indes Orientales, et il jouira, en outre, du privilège de présider les conciles nationaux de toutes les Indes Orientales, lesquels se réuniront d'ordinaire à Goa, sauf le droit du Pape d'en disposer autrement dans des circonstances particulières.

ARTICLE III.

La province ecclésiastique de Goa sera composée, outre le siège Métropolitain des trois diocèses de Damau ayant aussi le titre de Cranganor, de Cochin, et de Saint Thomé de Meliapor.

Les limites de ces trois diocèses et les lieux qui leur sont sujets seront indiqués dans une feuille séparée.

ARTICLE IV.

Dans le diocèse Métropolitain de Goa, de même que dans les trois diocèses suffragants, le droit de Patronat sera exercé par la Couronne de Portugal.

ARTICLE V.

En vue des avantages qui, par suite de la reconstitution des trois diocèses sus-indiqués, et, partant, d'une province ecclésiastique régulière, pourront résulter en faveur des fidèles de ces contrées, il reste convenu que quelques-uns des groupes principaux des Chrétientés Goanaises, tels qu'ils sont indiqués dans une annexe spéciale, bien que n'étant pas compris dans les limites des trois diocèses susmentionnés, y seront néanmoins agrégés, eu égard aux éléments matériels et moraux d'homogénéité qui les assimilent a ces mêmes diocèses.

Dans les missions Goanaises des autres diocèses, l'Ordinaire devra confier de préférence le soin des âmes à des prêtres Goanais ou Portugais relevant de son autorité.

ARTICLE VI.

Le Gouvernement Portugais prend l'engagement de pourvoir a la dotation convenable des diocèses susmentionnés, des chapîtres, du clergé, et des séminaires, et il coopérera d'une manière efficace à seconder l'action des Évêques, pour fonder des écoles, des orphelinats, et d'autres institutions requises pour le bien des fidèles et l'évangélisation des païens.

ARTICLE VII.

Pour les quatre diocèses de Bombay, Mangalor, Quilon, et Maduré, qui seront érigés par l'institution de la hiérarchie aux Indes, les Métropolitains avec les Évêques suffragants, à la vacance des sièges épiscopaux, de même que, à la vacance du siège archiépiscopal, les suffragants de la province formeront une *terne* à leur libre choix et la communiqueront à l'Archevêque de Goa, qui la remettra à la Couronne, et celle-ci devra présenter au Saint-Siège un candidat, sur les trois compris dans la *terne*, dans un délai de six mois, après lequel la liberté du choix est dévolue au Saint-Siège.

ARTICLE VIII.

Le Souverain Pontife nommera pour la première fois lès Archevêques et les Évêques des quatre diocèses indiqués à l'Article précédent, diocèses qui seront fondés dès qu'aura lieu la constitution de la hiérarchie ecclésiastique.

ARTICLE IX.

Les Chrétientés de Malacca et de Singapour, actuellement dépendantes de la juridiction extraordinaire de l'Archevêque de Goa, seront sujettes à la juridiction de l'Evêque de Macao.

ARTICLE X.

Le Patronat de la Couronne étant ainsi réglé le Saint-Siege jouira, dans tout le territorie restant des Indes Orientales, de la pleine liberté de nommer les Evêques et de prendre les résolutions qu'il croira opportunes pour le bien des fidèles.

ARTICLE XI.

Les concessions précédentes relatives au Patronat de la Couronne aux Indes Orientales étant modifiées et interprétées de la sorte, les Articles 3, 4, 5, 6, et l'Annexe A du Concordat de 1857 restent en vigueur.

ARTICLE XII.

Le présent Traité avec son annexe, qui en forme partie intégrante, sera ratifié par les Hautes Parties Contractantes, et les ratifications seront échangées à Rome, dans le terme de trois mois à dater de la signature, ou avant si c'est possible.

Rome, le 23 *Juin,* 1886.

L. Card. JACOBINI.

JEAN-BAPTISTE DE SILVA FERRAO DE CARVALHO MARTENS.

Government of India Central Printing Office.—No. 909 H. D.—1-3-87.—300.

Exd.——W. B. G.

No. 101 (Public—Ecclesiastical), dated India Office, London, the 4th November 1886.

From—Her Majesty's SECRETARY OF STATE for India.

To—His Excellency the Right Honourable the GOVERNOR GENERAL of India in Council.

IN continuation of my Despatch of the 7th ultimo, No. 87, I transmit copy of a further letter* from the Foreign Office, with enclosure, on the subject of the Concordat recently concluded at Rome respecting the Roman Catholic Ecclesiastical Patronage in India.

* Dated 29th September 1886, and enclosure.

2. With reference to the Despatch from the Government of Bombay, dated the 13th ultimo, No. 7, I request that Your Excellency in Council will inform that Government, in connection with any communication Your Government may address to them on the subject of this Concordat, that I have received and forwarded to the Foreign Office a copy of the petition from certain Parishioners of the Roman Catholic Churches in Bombay, Salsette, and Bassein protesting against their subjection in ecclesiastical matters to the spiritual jurisdiction of the Crown of Portugal and of Bishops appointed by that Power.

Dated Foreign Office, the 29th September 1886.

From—Sir T. V. LISTER, K.C.M.G., Assistant Under Secretary of State for Foreign Affairs.

To—Her Majesty's UNDER SECRETARY OF STATE for India.

WITH reference to my letter of the 1st instant, I am directed by the Secretary of State for Foreign Affairs to transmit to you, to be laid before the Secretary of State for India in Council, a copy of a Despatch, as marked in the margin, relating to a petition addressed to the King of Portugal by the Roman Catholic inhabitants of Ceylon against the ratification of the Papal-Portuguese Convention respecting Ecclesiastical Patronage in India which was signed at Rome on the 23rd of June last.

Mr. Petre, No. 52, dated 30th August 1886.

No. 52, dated Lisbon, the 30th August 1886.

(Received 3rd September.)

From—Mr. GEORGE G. PETRE.

To—The EARL OF IDDESLEIGH.

A PETITION purporting to be signed by 1,500 of the Roman Catholic inhabitants of Ceylon against that portion of the Concordat signed at Rome on the 23rd June last, which excludes Ceylon from the spiritual jurisdiction of the Primate of Goa, has been sent to the King of Portugal. It is dated Colombo, 29th July. I do not think it worth while troubling Your Lordship with a translation of this lengthy document, in which His Most Faithful Majesty is asked to withhold a ratification which has already taken place. The petitioners not only extol the merits of the Goanese Clergy, and deplore their deprivation of the blessings of the Portuguese Patronage, but they speak in most disparaging terms of the Vicars-Apostolic and the Clergy under their jurisdiction. They even go so far as to say that it would be "cruel and intolerable" to place them under that "abominable yoke."

Whatever blessings the Portuguese Patronage may have conferred, Christian charity, as far as these petitioners are concerned, does not appear to be one of them.

No.

No. 87, dated 7th October 1886.

COPY, with copy of the Despatch marginally noted, forwarded to the Government of $\frac{\text{Madras}}{\text{Bombay}}$ for information, in continuation of Home Department endorsement No. $\frac{217}{218}$, dated 6th August 1886.

By Order,

HOME DEPARTMENT,
(ECCLESIASTICAL);
Calcutta, the January 1887.

J. P. HEWETT,

Offg. Under Secy. to the Govt. of India.

Government of India Central Printing Office.—No. 998 H. D.—19-1-87.—92.

Exd.—N. C. D.

No. 87 Public (Ecclesiastical), dated India Office, London, the 7th October 1886.

From—Her Majesty's SECRETARY OF STATE for India.

To—His Excellency the Right Honourable the GOVERNOR GENERAL of India in Council.

I forward herewith, for the information of Your Excellency in Council, copies of the letters from the Foreign Office, noted in the margin, relative to a Convention between the Holy See and the Kingdom of Portugal for the settlement of the question of Ecclesiastical Patronage in India which has recently been signed at Rome.

Foreign Office to India Office, dated 7th July 1886, with enclosure.
Foreign Office to India Office, dated 1st September 1886.
Foreign Office to India Office, dated 2nd September 1886.
Foreign Office to India Office, dated 17th September 1886.

2. I also forward a copy of a letter (with enclosure), dated the 13th of August 1886, which has been addressed to the Prime Minister by Cardinal Manning on this subject.

Dated Foreign Office, the 7th July 1886.

From—Sir J. PAUNCEFOTE, K.C.M.G., Under Secretary of State for Foreign Affairs.

To—The UNDER SECRETARY OF STATE for India.

With reference to the letter from this office of the 18th ultimo, I am directed by the Earl of Rosebery to transmit to you herewith, to be laid before Her Majesty's Secretary of State for India in Council, a copy of a Despatch, with its enclosure, from Her Majesty's Ambassador at Rome, with reference to the Concordat recently signed at the Vatican between the Portuguese Ambassador and the Papal Secretary of State Cardinal Jacobini, for regulating the question of the right of Patronage of Portugal in the East Indies.

Sir J. Lumley, No. 186, dated 29th June.

No. 186, dated Rome, the 29th June 1886.

From—Right Honourable Sir J. SAVILE LUMLEY, G.C.B., Her Majesty's Ambassador at Rome.

To—The Earl of ROSEBERY, &c., &c.

On Wednesday 23rd instant, the new Concordat between Portugal and the Curia for regulating the question of the right of Patronage of Portugal in the East Indies was signed at the Vatican by the Portuguese Ambassador, Don Silva Ferrao de Carvalho Martens, and Royal Secretary of State, Cardinal Jacobini.

The *Moniteur de Rome* in an article, herewith enclosed, alludes to the numerous and serious difficulties which for more than half a century have prevented the conclusion of any definitive arrangement of this question for which the enlightened and pacific policy of the present Pope has now found a satisfactory solution, which, while upholding the supreme interests of Catholicism, has respected the historical traditions and the susceptibilities and desires of Portugal, a solution which it states has been very favourably received throughout the Kingdom.

The text of this Concordat has not yet been officially published.

Extract from "Le Moniteur de Rome," 25th and 26th June 1886.

LE ST. SIÈGE ET LE PORTUGAL.

Mercredi, comme nous l'avons annoncé, a été signalé au Vatican par Son Excellence M. le Sécrétaire d'Etat, de Sa Sainteté et Son Excellence l'Ambassadeur du Portugal, le nouveau Concordat qui règle la question du droit de patronage de la Couronne de Portugal aux Indes Orientales. C'est une nouvelle et glorieuse page à ajouter aux annales déjà si remplies du Pontificat de León XIII. Depuis plus d'un demi-siècle de graves et nombreuses difficultés avaient empêché la conclusion d'un accord définitif sur cette question du patronage. Quoique la force des choses exigeât une re-organisation de l'Eglise dans ces contrées, mille obstacles de tout genre s'opposaient à cette œuvre pacificatrice, les précédents historiques, les changements survenus, les susceptibilités nationales ; bref jusque-là, malgré tous les efforts, on n'avait pu trouver un terrain commun, qui conciliât les droits et les intérêts respectifs des deux parties.

Il était réservé à l'esprit éclairé et à la volonté persévérante de Leon XIII de terminer de la façon la plus pacifique et la plus heureuse ce long et épineux debat de sauvegarder les intérêts suprêmes du Catholicisme dans ces contrées en ménageant les susceptibilités du patriotisme portugais. C'est-là le grand et incontestable mérite de la solution intervenue. Le Saint Siège a tenu compte des justes desirs du Portugal, mais sans perdre de vue les légitimes exigences des vastes et nombreuses Chrétientés disséminées dans l'Hindoustan. Sans entraver une organisation plus régulière et mieux appropriée aux besoins actuels de la hiérarchie Catholique, elle flatte l'amour-propre et le patriotisme portugais. Elle rappelle, pour ainsi dire, à tous que ce généreux peuple a été le premier à porter dans ces contrées les lumières de l'Evangile et le flambeau de la civilisation Chrétienne, que si d'autres peuples sont venus, apres lui récolter la moisson, c'est lui qui, le premier, a ensemencé ce champ dont la merveilleuse fécondité nous étonne aujourd'hui.

Aussi la solution donnée à cette question du patronage a-t-elle été accueillie dans tout le Portugal avec la plus vive et la plus entière satisfaction. Une feuille officieuse, le *Comercio de Portugal* s'exprime à ce sujet, en ces termes dignes d'attention.

Animé de la meilleure volonté de nous être agréable, le Saint Père a su concilier dans les négociations autant que lui le permettaient sa haute sagesse et sa conscience éclairée, le respect pour nos droits et nos traditions historiques avec les exigences d'une situation creée déjà depuis longtemps aux Indes comme aussi avec es progrès de la foi religieuse dans ces contrées.

On ne saurait parler avec plus de vérité et de justesse.

En attendant que le texte du concordat soit publié officiellement qu'il nous suffise de dire que ce traité de paix entre une nation Catholique et le St. Siége vient fournir au monde une nouvelle preuve de la puissance morale incontestée et de l'ascendant universel de la Papauté. Mais cette œuvre pacificatrice n'est pas seulement un précieux titre de gloire pour le grand Pontife qui préside si sagement aux destinées de l'Eglise; elle honore aussi infiniment le Gouvernement qui a tenu dans cette circonstance à resserrer son entente étroite avec le St. Siège et qui a vu dans cette union un gage de prospérité et de grandeur nationale.

Dated Westminster, the 13th August 1886.

From—HENRY EDWARD CARDINAL MANNING.

To—The MARQUIS OF SALISBURY, K.G., &c., &c., &c.

I am instructed by the Cardinal Secretary of State in Rome, in a letter of which I herewith transmit a copy, to communicate to Your Lordship that the negotiations between the Holy See and the Government of Portugal have been concluded and have taken the form of a *Concordat*, the nature of which is as follows :—

1. The Metropolitan See of Goa will have the three Suffragan Sees, Daman, Cranganore, and St. Thomas of Meliapour.

2. The four Vicariates of Bombay, Mangalore, Quilon, and Madura will be erected into Dioceses by the constitution of the Hierarchy, and will form a province with their Metropolitan where they will henceforth in the vacancy of any See select three names to be proposed to the Crown of Portugal to which the nomination of the Bishop is conceded.

3. Finally the Goanese or Portuguese Catholics outside of the Ecclesiastical Portuguese Province, that is, throughout the rest of British India, will depend upon the Bishops in each several locality.

The result of this Concordat, as Your Lordship will perceive, is as follows :—

1. The pretension of the Crown of Portugal to Ecclesiastical Patronage and the claim of the Archbishop of Goa to jurisdiction throughout the territory of British India is extinguished.

2. The Patronage of the Crown of Portugal and the jurisdiction of the Archbishop of Goa are restricted to the Ecclesiastical Province containing the seven Suffragan Sees above named.

3. The Crown of Portugal will have the nomination of the Metropolitan and Bishops of Bombay, Mangalore, Quilon, and Madura, but only from a list of three names presented by the Bishops of those Sees.

4. In the four Dioceses of Bombay, Mangalore, Quilon, and Madura the Portuguese or Goanese population is considerable, consisting of 103 priests and 104,500 Catholics, and this concession to the Crown of Portugal will give satisfaction, the limitation of choice to the three names will always be a sufficient security to the British Government for the character of the person nominated.

5. The abandonment of the Portuguese Patronage and jurisdiction throughout the rest of British India gives a very large security to our Government by terminating the pretensions which have hitherto caused disturbance.

6. It is intended to bring the whole state of the Church in India into Canonical order by the erection of the Hierarchy.

This summary contains in outline and in substance the effect of the *Concordat,* and is highly favourable to the peace and welfare of British India and its Government.

Dated Rome, the 21st June 1886.

From—H. E. Ludovico Cardinal Jacobini.

To—Henry Edward Cardinal Manning.

Essendosi la Santa Sede giovata per il passato dell influenza di cui qode l' Eminenza vostra presso alcuni personaggi del Governo Inglese, allo scopo dio interessalo nella vertenza del Patronato Portoghese salle Indie Orientale, è desiderio del Santo Padre che le venga comunicato lo stato atturle delle trattative che omi volgono a termine.

Porche nei prossimi giorni sarà sotto seritto il nuovo concordato fra la S. Sede ed il Portogallo, e perciò non remane che ratificarbo dopo la relation approvazione delle Camere.

Col nuovo concordato poi alla Sede Metropolitana di Goa, vengono aggiunte tre Diocesi Suffragance, civè Daman, Crangoanor, e S. Thomé de Meliapour. Per le quattro Diocesi di Pombay, Mangalor, Quilon, e Maduré. che verranno erette colla costituzione della Gerarchia i Vescovi della Provincia col respettivo metropolitano formeranno una terna dentro la quale la Corona Portoghese seeglierà il Vescovo che riterrà mighore. In fine i gruppi principali dei Goanesi, che rimangono fuori della Prouvinco ecclesiastica Portoghese dihenderanno rispettivamente dagli Ordinarii di esse.

Come Vostra Eminenza facilmente comprenderà le antiche pretese del Portogallo vengono per tal quisa limitate di molto, e se non, si è ottenuto tutto quello che si aveva diritto di esigere, vi è luogo a sperare che le concession della Santa Sede sarnano largamente compensate.

La fondazione di una Provincia ecclesiastica Portoghese colle relative istituzioni, la quale si è in qualche maniera ricostituita colle Diocesi Portoghesi pre esistenti, ma però in territorii peù ristretti, la celsazione della guirisdizione straordinaria, e l'alsettamento regolare di quelle cristianità mentre varrauno ad eliminare gli inconvenienti che si deploravano pel passato potranno inoltre produrre seri e positivi vantaggi.

Quello poi che più monta si è che il Portogallo laseiando libero campo alla Santa Sede in tutto il rimanente territorio delle Indie, potrà quanto, prima fondarsi colà la Gerarchia ecclesiastica. Cotesta forma rispondente alle attuali condizione ed esigenze di quelle cristianita renderà più regogliosa la vita della chiesa nelle Indie, e vi forà prosperare tutte quelle istituzioni che un organamento normale, ed uno stato di crescente vitalità sogliono produrre. Vostra Eminenza raoviserà queste disposizioni non solamente conformi ai diritti della Santa Sede, ma anche alle manifestazioni del Governo Inglese. Daltronde solla costituzione della Gerarchia mentre si provvede ad una definitiva sistemazione della chiesa nelle Indiee d'altra parte si rende manifesto il progresso religioso che mole essere argomento e cagione anche del progresso civile di un popolo.

Pertanto nel pregare Vostra Eminenza di for conosceere al Signor Gladston, quanto la S. Sede ha determinato per la sistemazione degli affari religioso nelle Indie mi valgo con piacere della opportunita per confermarle i sensi del mio profundo ossequio, con eui le bacio umilissimanente le mani.

Dated Foreign Office, London, the 1st September 1886.

From—Sir T. V. Lister, K.C.M.G., Assistant Under Secretary of State for Foreign Affairs.

To—Her Majesty's Under Secretary of State for India.

With reference to my letter of 18th June I am directed by the Secretary of State for Foreign Affairs to transmit to you, to be laid before the Secretary of State for India in Council, the accompanying copies of two despatches from Her Majesty's Minister at Lisbon, with reference to a Convention between the Holy See and Portugal respecting Ecclesiastical Patronage in the East Indies.

Mr. Petre, Nos. 42—46.

No. 42, dated Lisbon, the 29th July 1886.

From—GEORGE G. PETRE, Esq., Her Majesty's Minister at Lisbon.

To—The EARL OF ROSEBERY.

The official Gazette of yesterday published the text in Portuguese and Italian of the Convention between the Holy See and Portugal for the settlement of the questions at issue concerning the ecclesiastical jurisdiction of the Crown of Portugal in India, which was signed at Rome on the 23rd of last month. The Royal Decree ratifying this Convention is preceded by a very lengthy Report signed by the Ministers of Marine and Foreign Affairs, and is followed by a still more voluminous Report addressed by Senõr Martens Ferrao, the Portuguese Ambassador at Rome, who is at present in Lisbon, to the Minister for Foreign Affairs, treating of the whole question historically and juridically, and minutely detailing the progress and results of the negotiations. The letters exchanged between His Holiness and the King of Portugal in the months of January and February are also published in the Gazette.

I have the honour to inclose printed copies of all the documents abovementioned, together with a translation of the Convention itself and of the Annex which is an essential part of it.

The terms of the Agreement which has thus put an end to a long and, at times, an acrimonious conflict, will be found to be nearly identical with those described in my despatch No. 32 of the 4th June.

An arrangement which, without wounding the national pride of Portugal, very considerably curtails and strictly defines the ecclesiastical jurisdiction claimed by her within the dominions of another Power, and, at the same time, puts an end to the scandal of religious and civil conflicts between Christian communities, will probably be considered unobjectionable by the Government of India.

Extract from the "Diario do Governo" of July 28, 1886.

ROYAL DECREE.

(Translation.)

Taking into consideration the Report submitted to me by the Ministers and Secretaries of State for the Departments of Marine and Colonies and of Foreign Affairs, I hereby decree as follows :—

Article 1. The Convention signed at Rome on the 23rd June last, which, in accordance with the VIIth, Xth, XIVth, and XVIth Articles of the Concordat of the 21st February 1857, defines in a precise manner the limits of the Portuguese Bishoprics and lays down the conditions under which the exercise of the right of patronage of the Crown of Portugal in the East Indies shall continue in force, is hereby approved, and will be ratified within the period laid down in the XIIth Article of the same.

Article 2. The Government will render an account to the Cortes of the provisions contained in this Decree.

The Ministers and Secretaries of State for the Departments of Marine and Colonies and of Foreign Affairs shall accordingly carry this Decree into effect.

Given at the Palace, the 22nd July 1886.

THE KING.

(Countersigned.)

HENRIQUE DE MACEDO.

HENRIQUE DE BARROS GOMES.

Convention.

In the name of the Most Holy Trinity.

His Holiness the Supreme Pontiff Leo XIII, and His Most Faithful Majesty the King Don Lewis I., being animated with the wish to favour and further the development of the Christian communities in the East Indies, and to settle in a stable and definitive manner the patronage therein of the Portuguese Crown, have determined to make a Concordat, and for this purpose they have appointed their Plenipotentiaries, as follows: on the part of His Holiness the Most Eminent and Reverend Cardinal L. Jacobini, his Secretary of State, and on the part of His Most Faithful Majesty, His Excellency the Councillor of State, João B. da S. Ferrão de Carvalho Martens, Ambassador Extraordinary, a Peer of the Realm, and

Honorary Minister of State, who after exchanging their respective full powers, which were found in due and proper form, have agreed upon the following Articles :—

ARTICLE I.

In virtue of the ancient Papal Concessions, the exercise of the Royal patronage of the Portuguese Crown shall continue in force, in accordance with the Sacred Canons, in the Cathedral Sees in the East Indies, subject to the modifications laid down in this Concordat.

ARTICLE II.

As regards the Metropolitan and Primatial Church of Goa, the Archbishop shall continue to exercise his Metropolitan rights in the dioceses which are suffragan thereto.

The Archbishop, *pro tempore*, will, owing to the Concession kindly made by His Holiness, be raised to the high dignity of Patriarch, *ad honorem*, of the East Indies, and will moreover enjoy the privilege of presiding over the Provincial Councils throughout the East Indies, which will usually be held at Goa, saving the right of the Supreme Pontiff to rule otherwise under special circumstances.

ARTICLE III.

The Ecclesiastical and Metropolitan Province of Goa will be composed, in addition to the Metropolitan See of the three following dioceses, namely, of Damao, and of the titular See of Cranganor, of Cochin, and of St. Thomas of Meliapor.

The limits of each of these three dioceses, as well as the various places under their respective jurisdiction, will be laid down in a separate Annex.

ARTICLE IV.

The Crown of Portugal shall exercise the right of patronage in the Metropolitan Diocese of Goa and in the three suffragan dioceses.

ARTICLE V.

In view of the advantages which may accrue to the faithful from the reconstruction of the said three dioceses and from a regularly constituted ecclesiastical province, a few of the principal groups of the so-called Goanese Christian communities, of which mention is made in the Annex above-mentioned, and which are not comprised within the limits assigned to the said three dioceses, shall be annexed to the latter, with due regard to the homogeneous material and moral elements which surround them, and point out the expediency of their being joined together.

In the Goanese Missions of the other dioceses the Ordinary will give the preference to Goanese or Portuguese priests, subject to him as regards any appointments for the cure of souls.

ARTICLE VI.

The Portuguese Government on their part engage to provide for the proper endowment of the said dioceses referred to in the IIIrd Article of this Concordat, and of the Cathedral Chapters, of the clergy and of the seminaries, and to co-operate in an effectual manner with the respective Bishops for the foundation of schools, orphan asylums, and of other establishments that are requisite for the welfare of the faithful, and for the spread of the Gospel among the infidels.

ARTICLE VII.

With respect to the four dioceses of Bombay, Mangalor, Quilon, and Maduré, which will be erected on the establishment of the hierarchy in the East Indies, the Metropolitans, together with their suffragans in the event of any of the said Episcopal Sees falling vacant, and the Suffragan Bishops of the province in the event of the Archiepiscopal See falling vacant, shall, of their own free will, draw up a list of three names for communication to the Archbishop of Goa, who will forward the same to His Majesty the King of Portugal, who shall be bound to present, within the period of six months, a candidate to the Holy See selected from among the three names proposed. Should no such presentation have been made within the period of six months, the Holy See shall be at liberty to select any person it may think fit.

ARTICLE VIII.

The Archbishops and Bishops of the four dioceses mentioned in the foregoing Article, and which are to be created upon the establishment of the ecclesiastical hierarchy, shall for the first time be named by the Supreme Pontiff.

ARTICLE IX.

The Christian communities of Malacca and Singapore, which are now placed under the extraordinary jurisdiction of the Archbishop of Goa, will in future be subject to the jurisdiction of the Bishop of Macao.

ARTICLE X.

The patronage of the Crown of Portugal being thus settled, throughout the rest of the territory in the East Indies, the Holy See shall enjoy full liberty of appointing Bishops, and of adopting any measures it may deem expedient for the welfare of the faithful.

ARTICLE XI.

The former Concessions relative to the patronage of the Crown of Portugal in the East Indies having been thus modified and interpreted, the IIIrd, IVth, Vth, and VIth Articles, as well as the Annex (A) of the Concordat of the 21st February 1857, shall continue in force.

ARTICLE XII.

The present Treaty, together with its Annex, which is an integral part thereof, shall be ratified by the High Contracting Parties, and the ratifications shall be exchanged at Rome within three months from the date of the signature of the same, or sooner if possible.

(L.S.) L. CARDINAL JACOBINI.

(L.S.) JOAO B. DA S. FERRAO DE CARVALHO MARTENS.

Rome, June 23, 1886.

Annex to the Third Article of the Concordat of June 23, 1886.

I. The Patriarchal Metropolitan and Primatial See of Goa will comprise :—

1. The whole territory of the Portuguese possessions in India at present belonging to Portugal, with the exception of the districts of Damao and Diu, which will appertain to the Suffragan Diocese of Damao and Titular Diocese of Cranganor, in accordance with the IIIrd Article of this Concordat.

2. Northern Canara, with the Christian communities of either jurisdiction existing there, and which at present are the following, namely :—

- Of Sadabisgor, of Sunkerry, of Karwar, of Ankola, with the Christian communities of Bingi, Chindierro, Bollingolly, Yellopor ;
- Of Sircy, of Honowar, with the Christian communities of Kiroly, Boteul, Ferquembat ;
- Of Chandowar and Coompta ;
- Of Golmuna, with the Christian communities of Sounxim, Munkim, and Baitur ;

which will thus constitute a continuous diocesan territory under the ordinary jurisdiction of Goa.

3. The Christian communities at present existing within the above-mentioned division of territory which are now subject to the other jurisdiction will be placed under the ordinary jurisdiction of Goa.

II. The Diocese of Damao and Titular of Cranganor, now created in virtue of the VIIth Article of the Concordat of the 21st February 1857, will be thus formed :—

No. 1.

1. Of the districts of Damao and Diu, at present under the ordinary jurisdiction of the Archbishop of Goa ;

2. Of that part of the district of Broach lying to the south of the River Norhadda, and of the district of Surat ;

3. Of the district of Northern Kenkam;

4. Of the actual "varado" (territorial deanery) of the Islands of Salcate and Trombay;

5. Of the actual "varado" (territorial deanery) of Baçaim;

which will thus constitute a continuous diocesan territory subject to the ordinary jurisdiction of the diocese.

6. The under-mentioned Christian communities and establishments at present under the jurisdiction of the Vicar-Apostolic are excepted :—

In the district of Surat, the churches and parishes of Surat and Balsar.

In the Islands of Salcete and Trombay, the churches and whole parishes of Marolis and of Maucy in the Island of Trombay, at present under the jurisdiction of the Vicar-Apostolic, together with the establishments under the said jurisdiction appertaining thereto.

In Bandora, the church at present under the jurisdiction of the Vicar-Apostolic, with St. Stanislaus' Institute and St. Joseph's Convent, which already belong to him, as well as the churches of Juven, Condotina, and Culven, which are likewise under the jurisdiction of the Vicar-Apostolic.

7. In order to prevent any confusion, it is hereby declared that, in the actual "varados" (territorial deaneries, Nos. 4 and 5) of Salcete and Baçaim, the whole of the Christian communities, which are at present subject to the jurisdiction of the Arch-Diocese of Goa, shall, in future, continue to be subject to the ordinary jurisdiction of the Diocese of Damao; the Christian communities which are excepted in No. 6 not being at present under the jurisdiction of Goa.

No. 2.

The whole of the Christian communities, together with the churches, chapels, and establishments belonging to them, as well as their property and revenues in the City and Island of Bombay, which are at present under the jurisdiction of the Archbishop of Goa, shall also, in future, belong to the Diocese of Damao; for the sake of clearness they are named here, as follows :—

1. Masagao, together with the church and establishments belonging to it, and with the Chapel of St. Francis Xavier at Colaba, as well as the establishments appertaining thereto;
2. St. Francis Xavier at Dalbul;
3. Caval (Our Lady of Dolours), with the chapel at Lonpoor;
4. Upper Mahim (St. Michael's), with the Chapel of Good Counsel at Sion, as well as the school appertaining thereto;
5. Lower Mahim (Our Lady of Salvation), together with the chapels of Matenga and Parel, as well as the college and schools annexed thereto;

III. The limits of the Diocese of Cochin—Suffragan to Goa—are fixed as follows, and will comprise :—

No. 1.

1. The City of Cochin, together with all the Christian communities, churches, and chapels, as well as any other establishments appertaining thereto.

2. The following districts, with the Christian communities therein, subject to either jurisdiction, namely :—

Maltanchery and Amarambady (subject to the jurisdiction of the Archbishop and of the Vicar-Apostolic).

Pallaruti (under the jurisdiction of the Vicar-Apostolic).

Idacochi, Arus, Punuguto, and Perumpadippu.

Manasherry (St. Lewis).

Manasherry (St. Michael).

Caunnamale.

Candacadavuy.

Combalanganguy.

Chellanam (St. Sebastian).

Chellanam (St. George).

Pollitodu.

Truvine (subject to the jurisdiction of the Vicar-Apostolic and of the Archbishop).

Manacudam and Toveur.
Pallipuram.
Bendurti and Tevere.
Tanghi.
Arthungal (St. George).
Arthungal (St. Andrew), and Mararicolam and Chetti.
Mararicolam (under the jurisdiction of the Archbishop of Goa).
Kattur (Archbishop's jurisdiction).
Aleppi (jurisdiction of the Archbishop and of the Vicar-Apostolic).
Vattalunyhal (Archbishop's jurisdiction).
Pungavu (jurisdiction of Vicar-Apostolic).
Tumboly (jurisdiction of the Archbishop and of the Vicar-Apostolic).

No. 2.

In the actual Apostolic Vicariate of Quilon the under-mentioned Christian communities :—

1. Aravola ;
2. Caringolam ;
3. Pontorré ;
4. Tutur ;
5. Waliatowe ;
6. Velli ;

including the whole of the churches, chapels, establishments, property and revenues appertaining thereto.

IV. The limits of the Diocese of St. Thomas of Meliapor—Suffragan to Goa—are fixed as follows :—

No. 1.

1. The city of St. Thomas of Meliapor, with all its Christian communities subject to either jurisdiction, and with those of St. Thomas' Mount, including the churches, chapels, and establishments appertaining thereto, and also at

Palavaram, and

Cavelung and Chinglepett ;

with the following boundaries :—On the east the Gulf of Bengal; on the north, Edward Elliot's Road and St. George's Cathedral Road ; on the west, the road from Madras to Congeveran as far as the River Palar ; on the south, the River Palar as far as the sea ; the whole of which will thus constitute a continuous diocesan territory.

2. In the actual Apostolic Vicariate of Maduré :—

The Christian communities subject to either jurisdiction, including the whole of the churches, chapels, as well as any other establishments appertaining thereto that are situated in the districts of

Tangiore ;

Rigapatam ; and

Manargudi ;

the boundaries being on the east, the Gulf of Bengal ; on the north, the rivers called Vettar and Vemar ; on the west and south the several limits of the districts of Tangiore, Manargudi, and Nizagapatam, which will thus constitute a continuous diocesan territory.

No. 2.

1. All the Christian communities, churches, chapels, as well as any other establishments appertaining thereto, together with the properties and revenues of the same at Calcutta and at Dacca or Daka, which are at present under the jurisdiction of the Portuguese Vicar-General of Bengal, and which for the sake of clearness are mentioned here, namely :—

Boitakanah, in the city of Calcutta ;
Chinzurah ;

Bandel, in the district of Hooghly, together with the schools appertaining thereto.

At Dacca or Daka, the Christian communities of Dacca (Our Lady of Mercy);

Tesgao (Our Lady of the Rosary);

Nagory (St. Nicholas' Tolentine);

Hosnabad (Our Lady of the Rosary);

with the Christian communities which are at present either annexed to or dependent thereon;

Shibpur (Our Lady of Guidance)

likewise, with the Christian communities which are at present either annexed to or dependent thereon.

2. The Christian communities, together with their churches and chapels now exclusively subject to the jurisdiction of the Archbishop of Goa, and situated within the actual limits of the Vicariate Apostolic of Maduré.

As regards the small villages therein under the two jurisdictions, the two Bishops of St. Thomas and of Maduré will draw up equitable proposals, in order that the Holy See and the patron may decide to which of the two jurisdictions they shall be subject for the future.

V. Although the declaration has already been made, nevertheless, for greater clearness, and in order to obviate any doubts for the future, it is hereby declared that whenever this Annex treats of Christian communities, it is understood that it means all the churches, chapels, as well as any other establishments that may be annexed to or dependent upon the same, together with the whole of their property and revenues.

Compensation will be given for any property belonging either to Portugal or to the Vicars-Apostolic at any places that may be mutually ceded. These matters shall be settled by the respective Bishops and Vicars-Apostolic by whom they are to be submitted to the consideration of the Holy See and of the Portuguese Government.

L. CARDINAL JACOBINI.

JOAO B. DE S. FERRAO DE CARVALHO MARTENS.

Rome, 23rd June 1886.

No. 46, dated Lisbon, the 5th August 1886.

From—GEORGE G. PETRE, Esq., Her Majesty's Minister at Lisbon.

To—The EARL OF IDDESLEIGH.

Supplementing my despatch No. 42 of the 29th ultimo to the Earl of Rosebery, I have the honour to inclose translation of those portions of the Reports signed respectively by the Ministers for Foreign Affairs and Marine, and by Senhor Martens Ferrão, the Portuguese Ambassador to the Holy See, which were published at the same time as the Convention concluded between the latter and Portugal on the 3rd June last, in which special reference is made to Great Britain.

M. de Barros Gomes states the case fairly enough in admitting that the Portuguese patronage was always contested as a right by the British Government, but was tolerated so long as a good understanding prevailed on the subject between Portugal and the Holy See. M. Martens Ferrão, however, goes much farther than this, and, as a jurist, upholds the Treaty right of Portugal from an international point of view, and even adds that not a single jurist will be found to maintain a contrary opinion. This is, to say the least, a very bold assertion; and, as the attitude of Her Majesty's Government has been one of complete neutrality as between Portugal and the Vatican, it is not very clear what purpose it served to make it.

I have always maintained in my conversations with the Ministers for Foreign Affairs and others that the Treaty of Bombay did nothing more than guarantee the free exercise of their religion and the fullest religious toleration to the Roman Catholic population, whose allegiance was transferred by that Treaty to the British Crown, and that I did not see now it was possible to construe it into a recognition of the ecclesiastical jurisdiction of Portugal over the whole territory of Hindoostan, not a foot of which at the time, except the Island of Bombay, belonged to England.

Extract from the "Diario do Governo" of July 28, 1886.

(Translation.)

Extract from the Report of the Ministers of Marine and Foreign Affairs relative to the Convention between the Holy See and Portugal, with reference to Portuguese Ecclesiastical Patronage in the East Indies, signed at Rome, June 23, 1886.

In addition to the complex causes which in Portugal, at the Vatican, and in India had placed the ancient and venerable right of patronage in that violent condition, there were others at times of an international nature which were extremely delicate, and connected the probable fate of the patronage with the vicissitudes of politics and of parties in a foreign nation. The traditional attitude of that nation with regard to religious matters might recognize that right of patronage as a matter of fact so long as a good understanding was maintained between Portugal and the Supreme Pontiff, but always contesting it as a right, and not tolerating it as the origin, as it might be, and as it then was, up to a certain point, of dissensions and of disturbances of the public peace in the vast empire placed under her dominion.

Extract from the Report of Senhor Martens Ferrão, Portuguese Ambassador to the Vatican, respecting the Negotiations for the Covention signed by him at Rome, June 23, 1886.

Lisbon, July 15, 1886.

2. England, as a non-Catholic country, ever since she put an end to ancient contentions, has kept entirely aloof from all questions of Catholic jurisdiction in her vast and differently situated possessions, as well as in Great Britain. The reason of this is both historical and administrative. It is not my business to discuss this historical point, or to analyze the special features of English administration, which is in accordance with the character and conditions of the people over whom it rules.

In the Memoranda which I presented to the Holy See, especially in the one of the 15th February, I mentioned several facts that had occurred in Hindostan of great importance as regards this matter.

In this place I shall only state, in a few words, that the regular exercise of Portuguese patronage in Hindoostan is based, as far as England is concerned, upon the obligatory force of Treaties as well as upon tradition, and upon an uninterrupted possession up to the present.

I must observe as a principle that the recognition of the patronage is made on the part of the Holy See, because its effects are solely and purely canonical; and, as the Supreme Pontiff freely governs the various Churches and Missions, he can, as he has always done, recognize the canonic title-deeds of the existing patronage, and accept the exercise of the same, as it is *de jure* accepted.

But this, which is a general doctrine, in view of the manner in which England accepts the free administration of the Catholic Church, is based, as regards the Portuguese patronage in India, on the right of Treaties.

In the Bombay Treaty of the 23rd June 1661, which is subsequent to the establishment of all the patronage bishoprics in India, as I have shown, the following stipulation is made in the XIth Article :—

"The inhabitants of the said island (as the King of Great Britain's subjects, and under his sovereignty, Crown, jurisdiction, and Government) being suffered still to live there, and enjoy the free exercise of the Roman Catholic religion, in the same manner as they now do, it being understood and declared once for all that the same order shall be observed for the exercise and preservation of the Roman Catholic religion in Tangier, and all other places which shall be delivered by the King of Portugal into the possession of the King of Great Britain, as was provided for and agreed upon, the delivery of Dunkirk into the hands of the English," &c.

As Catholicity was not at the time received either in England or in her dominions, it is clear that the carrying out of that condition depended upon the maintenance of the Portuguese ecclesiastical hierarchical order in those regions, as existing at that time, that is to say, provided by the patron, and organized in the various Portuguese dioceses, as had long been the case, verily the legal *statu quo* not only at Bombay, but throughout the whole of India.

In the record of the delivery of Bombay on the 18th February, 1665, as transcribed in Mr. Biker's collection, the following declaration is to be found :—

"Item que não se intrometterão os Senhores Inglezes nas materias da fé nem obrigarão os moradores da dita ilha de Bombaim, nem directa nem indirecta a muder de crença, nem de ouvir suas predicas, e deixarão aos ministros ecclesiasticos

exercitar suo juridicão, sem impedimento algum, por ses esta condição expressa nós capitulos da paz, e debaixo da qual seilhes mandar fazer a entrega; e fazendo em algum tempo o contrario se entenderá que quebraram o assentado e promettido, e recairá o direito da dita ilha para a Coroa de Portugal."

"Item that the English shall not concern themselves in matters of faith nor oblige the inhabitants of the said Island of Bombaim directly or indirectly to alter their belief, nor to come to hear their sermons. And they shall let the ecclesiastical ministers exercise their jurisdiction without any disturbance, this express condition being in the Articles of peace, and under it the delivery is commanded to be made to them, and they doing at any time to the contrary, it shall be understood a breach of what is let down and promised, and the right of the said Island shall return to the Crown of Portugal."

And further on :—

"Item que aos parochos e religiosos que assistem em Bombaim se terá todo o respeito devido e promettido, e as igrejas não serão tomadas para uso algum, nem n'ellas se façam predicas, e aos que o intentarem, se de o castigo devido que sirva de exemplo."

"Likewise that due respect, as promised, shall be shown to the parish priests and friars residing at Bombay, and that the churches shall not be seized for any purpose, and that no sermons shall be preached therein, and that any persons attempting to do so shall be duly punished so as to serve as an example."

In the work named "Quadro elementar das Relações Politicas e Diplomaticas de Portugal com as diversas Potencias do Mundo" ("Schedule of the Political and Diplomatic Relations between Portugal and other Nations of the World"), the following passage is to be found in the part relating to this period, which I transcribe :—

"16 de Agosto de 1663. Carta regia mandada executar em nome das conveniencias particulares do Estado da India. Por ella se declaron formal e explicitamente a reserva que fazia a Coroa de Portugal *in perpetuum*, do padroado com todas as regalias que até entáo gozára, acrescentando que os pleitos civis dos Christãos Catholicos seriam decididos com assistencia do, feitor que el Rei de Portugal nomeasse, e ordenando que só quando elle o julgasse necessario teria logar a appellacão para as justiças Inglezas, correndo o processo perante ellas, mas sempre na lingua Portugueza."

"16th August, 1663. Royal letter ordered to be carried into effect in view of the special expediency of the State of India. The reservation made by the Crown of Portugal *in perpetuum* of the patronage, together with all the privileges enjoyed up to that time, is formally and explicitly declared therein, and it is added that the civil suits of the Christian Catholics would be decided in the presence of the factor appointed by the King of Portugal, and commanding that no appeal should be made to the English Judges unless he should deem it necessary, in which case the suits would be pleaded before them, but always in the Portuguese language."

The same document gave the assurance that the British Government would treat us with perfect friendship in every place, as if the two nations in India formed one only nation, and that for this purpose assistance would be rendered in every respect in order to carry into effect the Decrees of the Crown of Portugal.

The Royal letter also added that the actual vicars and their successors would be appointed by the Prelate of Goa as until then, and that the churches of Bombay would continue under the Royal patronage with all the rights and privileges thereunto appertaining, His Majesty reserving the same for himself and his successor absolutely and for ever, in such a manner that any infraction of this principal Article would render all the other clauses of the first Treaty and of the recent Convention—to which the foregoing Articles concerning the delivery had reference—null and void, so that, should any one of the same be either broken or altered, the whole should be looked upon as revoked, and the whole right of sovereignty over the Island of Bombay would again revert to the Crown of Portugal.

The said author, in referring to the aforementioned deed of the delivery of Bombay, as quoted in Mr. Biker's collections, says that the same is to be found in the Public Library at Evora, MSS. Cod : CXVI—39, p. 305.

Senhor Conselheiro Barrosé Sá, in a very learned speech delivered by him at a sitting of the Chamber of Peers during the last Session treated this matter at great length.

With regard to this subject, the Convention between Antonio de Mello e Castro, Viceroy of the States of Portuguese India, and Abraham Thepman, Governor of British India, relative to the delivery of Bombay, may also be consulted; it is to be found in the General Register of the Office of the State of Goa, in accordance with the above-quoted reference.

Consequently, the provisions of the Treaty of 1661—the conditions of which constitute a legal onus—the explicit condition set forth at great length in the authentic Royal letter of 1663, of which I have quoted the substance, as well as the official record of the possession taken, likewise transcribed, are incontestible documents in support of the Portuguese rights. These express documents regulate the mutual rights and obligations of the parties concerned. But above all these documents there is the fact which constitutes a right in international law—that is, the long and peaceable possession of the full exercise of the Portuguese patronage in all the cathedral churches of Hindoostan, and in all the Christian communities dependent thereon, founded on a lawfull title both evident and recognized; which possession has, moreover, been uninterruptedly exercised both before and after the establishment of the British dominion. This fact, even if those documents did not exist at all, would, *per se*, constitute a legal right which could not be impugned *bonâ fide*. Ancient and modern writers on international law such as Watel, Hoefter, Bluntschli, Calvo, Martens, and others are quite agreed upon this point.

Even if those diplomatic documents, which are a most valid proof that a respect for the Portuguese patronage in India was made a condition for the dominions and rights ceded in the Treaty of 1661 did not exist at all, the uninterrupted possession of a fact based upon Concessions granted by the Holy See subject to onerous obligations, carried on without opposition and in a peaceable manner for centuries in the churches of India, would exhibit all the characteristics of a tacit Treaty, and would therefore constitute, as regards Portugal, a real title based on international law. Not a single legist will be found to maintain a contrary opinion.

Dated Foreign Office, London, the 2nd September 1886.

From—Sir T. V. Lister, K.C.M.G., Assistant Under Secretary of State for Foreign Affairs.

To—Her Majesty's Under Secretary of State for India.

With reference to my letter of the 1st instant, I am directed by the Earl of Iddesleigh to state to you, for the information of the Secretary of State for India in Council, that Her Majesty's Ambassador at Rome reports, under date of the 20th ultimo, that he has been informed by the Portuguese Chargé d' Affaires to the Holy See that he signed on the 16th ultimo, with Cardinal Jacobini the Ratifications of the Concordat recently concluded between Portugal and the Vatican, for the regulation of Ecclesiastical Jurisdiction in the East Indies.

Dated Foreign Office, London, the 17th September 1886.

From—Sir T. V. Lister, K.C.M.G.., Assistant Under Secretary of State for Foreign Affairs.

To—Her Majesty's Under Secretary of State for India.

With reference to my letter of the 2nd instant, I am directed by the Secretary of State for Foreign Affairs to transmit to you, to be laid before the Secretary of State for India in Council, copy of a despatch as marked in the margin relating to the Concordat between Portugal and the Vatican.

Sir J. Lumley, No. 232, dated 27th August 1886.

No. 232, dated Rome, the 27th August 1886.

From—Right Hon'ble Sir J. S. Lumley, G.C.B., Her Majesty's Ambassador at Rome.

To—The Earl of Iddesleigh.

I have the honour to inclose herewith copy of the Concordat concluded between the Holy See and Portugal, which was signed on the 23rd June by Cardinal Jacobini and the Portugese Envoy to the Vatican, Don Silva Ferrao de Carvalho Martens, and which has been published in the "Moniteur de Rome" of this date.

Extract from " Le Moniteur de Rome" of August 26, 1886.

Concordat stipulé le 23 Juin, 1886, entre le Saint-Siège et le Portugal.

Au nom de la Très Sainte Trinité.

SA Sainteté le Souverain Pontife Léon XIII et Sa Majesté Très Fidèle le Roi Dom Louis I, animés du désir de favoriser les progrès du Christianisme aux Indes Orientales, et d'y régler d'une manière stable et définitive le Patronat de la Couronne de Portugal, ont résolu de faire un Concordat. Ils ont nommé à cet effet

deux Plénipotentiaires, c'est-à-dire, au nom de Sa Sainteté, l'Eccellentissime et Reverentissime Cardinal Ludovic Jacobini, son Secrétaire-d'Etat, et, au nom de Sa Majesté Très Fidèle, son Excellence M. Jean-Baptiste da Silva Ferrão de Carvalho Martens, Ambassadeur Extraordinaire et Ministre d'Etat honoraire ; lesquels, ayant échangé leurs pleins pouvoirs respectifs, et les ayant trouvés en bonne et due forme, sont convenus d' adopter les Articles suivants :—

ARTICLE I.

En vertu des anciennes concessions Pontificales, l'exercice du Patronat de la Couronne de Portugal sera continué, conformément aux règles canoniques, dans les Eglises Cathédrales des Indes Orientales, d'après les modifications énoncées dans le présent Concordat.

ARTICLE II.

Quant à l'Eglise Métropolitaine et 'Primatiale de Goa, l'Archevêque continuera d'exercer ses droits de Métropolitain dans les diocèses suffragants.

Par une bienveillante concession de Sa Sainteté, l'Archevêque *pro tempore* sera élevé à la dignité de Patriarche *ad honorem* des Indes Orientales, et il jouira, en outre, du privilège de présider les conciles nationaux de toutes les Indes Orientales, lesquels se réuniront d'ordinaire à Goa, sauf le droit du Pape d'en disposer autrement dans des circonstances particulières.

ARTICLE III.

La province ecclésiastique de Goa sera composée, outre le siège Métropolitain des trois diocèses de Damau ayant aussi le titre de Cranganor, de Cochin, et de Saint Thomé de Meliapor.

Les limites de ces trois diocèses et les lieux qui leur sont sujets seront indiqués dans une feuille séparée.

ARTICLE IV.

Dans le diocèse Métropolitain de Goa, de même que dans les trois diocèses suffragants, le droit de Patronat sera exercé par la Couronne de Portugal.

ARTICLE V.

En vue des avantages qui, par suite de la reconstitution des trois diocèses sus-indiqués, et, partant, d'une province ecclésiastique régulière, pourront résulter en faveur des fidèles de ces contrées, il reste convenu que quelques-uns des groupes principaux des Chrétientés Goanaises, tels qu'ils sont indiqués dans une annexe spéciale, bien que n'étant pas compris dans les limites des trois diocèses susmentionnés, y seront néanmoins agrégés, eu égard aux éléments matériels et moraux d'homogénéité qui les assimilent a ces mêmes diocèses.

Dans les missions Goanaises des autres diocèses, l'Ordinaire devra confier de préférence le soin des âmes à des prêtres Goanais ou Portugais relevant de son autorité.

ARTICLE VI.

Le Gouvernement Portugais prend l'engagement de pourvoir a la dotation convenable des diocèses susmentionnés, des chapîtres, du clergé, et des séminaires, et il coopérera d'une manière efficace à seconder l'action des Évêques, pour fonder des écoles, des orphelinats, et d'autres institutions requises pour le bien des fidèles et l'évangélisation des païens.

ARTICLE VII.

Pour les quatre diocèses de Bombay, Mangalor, Quilon, et Maduré, qui seront érigés par l'institution de la hiérarchie aux Indes, les Métropolitains avec les Évêques suffragants, à la vacance des sièges épiscopaux, de même que, à la vacance du siège archiépiscopal, les suffragants de la province formeront une *terne* à leur libre choix et la communiqueront à l'Archevêque de Goa, qui la remettra à la Couronne, et celle-ci devra présenter au Saint-Siège un candidat, sur les trois compris dans la *terne*, dans un délai de six mois, après lequel la liberté du choix est dévolue au Saint-Siège.

ARTICLE VIII.

Le Souverain Pontife nommera pour la première fois lès Archevêques et les Évêques des quatre diocèses indiqués à l'Article précédent, diocèses qui seront fondés dès qu'aura lieu la constitution de la hiérarchie ecclésiastique.

ARTICLE IX.

Les Chrétientés de Malacca et de Singapour, actuellement dépendantes de la juridiction extraordinaire de l'Archevêque de Goa, seront sujettes à la juridiction de l'Evêque de Macao.

ARTICLE X.

Le Patronat de la Couronne étant ainsi réglé le Saint-Siege jouira, dans tout le territorie restant des Indes Orientales, de la pleine liberté de nommer les Evêques et de prendre les résolutions qu'il croira opportunes pour le bien des fidèles.

ARTICLE XI.

Les concessions précédentes relatives au Patronat de la Couronne aux Indes Orientales étant modifiées et interprétées de la sorte, les Articles 3, 4, 5, 6, et l'Annexe A du Concordat de 1857 restent en vigueur.

ARTICLE XII.

Le présent Traité avec son annexe, qui en forme partie intégrante, sera ratifié par les Hautes Parties Contractantes, et les ratifications seront échangées à Rome, dans le terme de trois mois à dater de la signature, ou avant si c'est possible.

Rome, le 23 *Juin*, 1886.

L. Card. JACOBINI.

JEAN-BAPTISTE DE SILVA FERRAO DE CARVALHO MARTENS.

Government of India Central Printing Office.—No. 999 H. D.—1-3-87.—300.

Exd.——W. B. G.

No. 101 (Public—Ecclesiastical), dated India Office, London, the 4th November 1886.

From—Her Majesty's SECRETARY OF STATE for India.

To—His Excellency the Right Honourable the GOVERNOR GENERAL of India in Council.

IN continuation of my Despatch of the 7th ultimo, No. 87, I transmit copy of a further letter* from the Foreign Office, with enclosure, on the subject of the Concordat recently concluded at Rome respecting the Roman Catholic Ecclesiastical Patronage in India.

* Dated 29th September 1886, and enclosure.

2. With reference to the Despatch from the Government of Bombay, dated the 13th ultimo, No. 7, I request that Your Excellency in Council will inform that Government, in connection with any communication Your Government may address to them on the subject of this Concordat, that I have received and forwarded to the Foreign Office a copy of the petition from certain Parishioners of the Roman Catholic Churches in Bombay, Salsette, and Bassein protesting against their subjection in ecclesiastical matters to the spiritual jurisdiction of the Crown of Portugal and of Bishops appointed by that Power.

Dated Foreign Office, the 29th September 1886.

From—Sir T. V. LISTER, K.C.M.G., Assistant Under Secretary of State for Foreign Affairs.

To—Her Majesty's UNDER SECRETARY OF STATE for India.

WITH reference to my letter of the 1st instant, I am directed by the Secretary of State for Foreign Affairs to transmit to you, to be laid before the Secretary of State for India in Council, a copy of a Despatch, as marked in the margin, relating to a petition addressed to the King of Portugal by the Roman Catholic inhabitants of Ceylon against the ratification of the Papal-Portuguese Convention respecting Ecclesiastical Patronage in India which was signed at Rome on the 23rd of June last.

Mr. Petre, No. 52, dated 30th August 1886.

No. 52, dated Lisbon, the 30th August 1886.

(Received 3rd September.)

From—Mr. GEORGE G. PETRE.

To—The EARL OF IDDESLEIGH.

A PETITION purporting to be signed by 1,500 of the Roman Catholic inhabitants of Ceylon against that portion of the Concordat signed at Rome on the 23rd June last, which excludes Ceylon from the spiritual jurisdiction of the Primate of Goa, has been sent to the King of Portugal. It is dated Colombo, 29th July. I do not think it worth while troubling Your Lordship with a translation of this lengthy document, in which His Most Faithful Majesty is asked to withhold a ratification which has already taken place. The petitioners not only extol the merits of the Goanese Clergy, and deplore their deprivation of the blessings of the Portuguese Patronage, but they speak in most disparaging terms of the Vicars-Apostolic and the Clergy under their jurisdiction. They even go so far as to say that it would be "cruel and intolerable" to place them under that "abominable yoke."

Whatever blessings the Portuguese Patronage may have conferred, Christian charity, as far as these petitioners are concerned, does not appear to be one of them.

No.

No. 87, dated 7th October 1886.

COPY, with copy of the Despatch marginally noted, forwarded to the Government of $\frac{\text{Madras}}{\text{Bombay}}$ for information, in continuation of Home Department endorsement No. $\frac{217}{218}$, dated 6th August 1886.

By Order,

HOME DEPARTMENT,
(ECCLESIASTICAL);
Calcutta, the January 1887.

J. P. HEWETT,

Offg. Under Secy. to the Govt. of India.

Government of India Central Printing Office.—No. 998 H. D.—19-1-87.—93.

Exd.—N. C. D.

No. 87 Public (Ecclesiastical), dated India Office, London, the 7th October 1886.

From—Her Majesty's SECRETARY OF STATE for India.

To—His Excellency the Right Honourable the GOVERNOR GENERAL of India in Council.

Foreign Office to India Office, dated 7th July 1886, with enclosure.
Foreign Office to India Office, dated 1st September 1886.
Foreign Office to India Office, dated 2nd September 1886.
Foreign Office to India Office, dated 17th September 1886.

I forward herewith, for the information of Your Excellency in Council, copies of the letters from the Foreign Office, noted in the margin, relative to a Convention between the Holy See and the Kingdom of Portugal for the settlement of the question of Ecclesiastical Patronage in India which has recently been signed at Rome.

2. I also forward a copy of a letter (with enclosure), dated the 13th of August 1886, which has been addressed to the Prime Minister by Cardinal Manning on this subject.

Dated Foreign Office, the 7th July 1886.

From—Sir J. PAUNCEFOTE, K.C.M.G., Under Secretary of State for Foreign Affairs.

To—The UNDER SECRETARY OF STATE for India.

Sir J. Lumley, No. 186, dated 29th June.

With reference to the letter from this office of the 18th ultimo, I am directed by the Earl of Rosebery to transmit to you herewith, to be laid before Her Majesty's Secretary of State for India in Council, a copy of a Despatch, with its enclosure, from Her Majesty's Ambassador at Rome, with reference to the Concordat recently signed at the Vatican between the Portuguese Ambassador and the Papal Secretary of State Cardinal Jacobini, for regulating the question of the right of Patronage of Portugal in the East Indies.

No. 186, dated Rome, the 29th June 1886.

From—Right Honourable Sir J. SAVILE LUMLEY, G.C.B., Her Majesty's Ambassador at Rome.

To—The Earl of ROSEBERY, &c., &c.

On Wednesday 23rd instant, the new Concordat between Portugal and the Curia for regulating the question of the right of Patronage of Portugal in the East Indies was signed at the Vatican by the Portuguese Ambassador, Don Silva Ferrao de Carvalho Martens, and Royal Secretary of State, Cardinal Jacobini.

The *Moniteur de Rome* in an article, herewith enclosed, alludes to the numerous and serious difficulties which for more than half a century have prevented the conclusion of any definitive arrangement of this question for which the enlightened and pacific policy of the present Pope has now found a satisfactory solution, which, while upholding the supreme interests of Catholicism, has respected the historical traditions and the susceptibilities and desires of Portugal, a solution which it states has been very favourably received throughout the Kingdom.

The text of this Concordat has not yet been officially published.

Extract from "Le Moniteur de Rome," 25th and 26th June 1886.

LE ST. SIÈGE ET LE PORTUGAL.

Mercredi, comme nous l'avons annoncé, a été signalé au Vatican par Son Excellence M. le Sécrétaire d'Etat, de Sa Sainteté et Son Excellence l'Ambassadeur du Portugal, le nouveau Concordat qui règle la question du droit de patronage de la Couronne de Portugal aux Indes Orientales. C'est une nouvelle et glorieuse page à ajouter aux annales déjà si remplies du Pontificat de León XIII. Depuis plus d'un demi-siècle de graves et nombreuses difficultés avaient empêché la conclusion d'un accord définitif sur cette question du patronage. Quoique la force des choses exigeât une re-organisation de l'Eglise dans ces contrées, mille obstacles de tout genre s'opposaient à cette œuvre pacificatrice, les précédents historiques, les changements survenus, les susceptibilités nationales; bref jusque-là, malgré tous les efforts, on n'avait pu trouver un terrain commun, qui conciliât les droits et les intérêts respectifs des deux parties.

Il était réservé à l'esprit éclairé et à la volonté persévérante de Leon XIII de terminer de la façon la plus pacifique et la plus heureuse ce long et épineux debat de sauvegarder les intérêts suprêmes du Catholicisme dans ces contrées en ménageant les susceptibilités du patriotisme portugais. C'est-là le grand et incontestable mérite de la solution intervenue. Le Saint Siège a tenu compte des justes desirs du Portugal, mais sans perdre de vue les légitimes exigences des vastes et nombreuses Chrétientés disséminées dans l'Hindoustan. Sans entraver une organisation plus régulière et mieux appropriée aux besoins actuels de la hiérarchie Catholique, elle flatte l'amour-propre et le patriotisme portugais. Elle rappelle, pour ainsi dire, à tous que ce généreux peuple a été le premier à porter dans ces contrées les lumières de l'Evangile et le flambeau de la civilisation Chrétienne, que si d'autres peuples sont venus, apres lui récolter la moisson, c'est lui qui, le premier, a ensemencé ce champ dont la merveilleuse fécondité nous étonne aujourd'hui.

Aussi la solution donnée à cette question du patronage a-t-elle été accueillie dans tout le Portugal avec la plus vive et la plus entière satisfaction. Une feuille officieuse, le *Comercio de Portugal* s'exprime à ce sujet, en ces termes dignes d'attention.

Animé de la meilleure volonté de nous être agréable, le Saint Père a su concilier dans les négociations autant que lui le permettaient sa haute sagesse et sa conscience éclairée, le respect pour nos droits et nos traditions historiques avec les exigences d'une situation creée déjà depuis longtemps aux Indes comme aussi avec es progrès de la foi religieuse dans ces contrées.

On ne saurait parler avec plus de vérité et de justesse.

En attendant que le texte du concordat soit publié officiellement qu'il nous suffise de dire que ce traité de paix entre une nation Catholique et le St. Siége vient fournir au monde une nouvelle preuve de la puissance morale incontestée et de l'ascendant universel de la Papauté. Mais cette œuvre pacificatrice n'est pas seulement un précieux titre de gloire pour le grand Pontife qui préside si sagement aux destinées de l'Eglise; elle honore aussi infiniment le Gouvernement qui a tenu dans cette circonstance à resserrer son entente étroite avec le St. Siège et qui a vu dans cette union un gage de prospérité et de grandeur nationale.

Dated Westminster, the 13th August 1886.

From—Henry Edward Cardinal Manning.

To—The Marquis of Salisbury, K.G., &c., &c., &c.

I am instructed by the Cardinal Secretary of State in Rome, in a letter of which I herewith transmit a copy, to communicate to Your Lordship that the negotiations between the Holy See and the Government of Portugal have been concluded and have taken the form of a *Concordat*, the nature of which is as follows :—

1. The Metropolitan See of Goa will have the three Suffragan Sees, Daman, Cranganore, and St. Thomas of Meliapour.

2. The four Vicariates of Bombay, Mangalore, Quilon, and Madura will be erected into Dioceses by the constitution of the Hierarchy, and will form a province with their Metropolitan where they will henceforth in the vacancy of any See select three names to be proposed to the Crown of Portugal to which the nomination of the Bishop is conceded.

3. Finally the Goanese or Portuguese Catholics outside of the Ecclesiastical Portuguese Province, that is, throughout the rest of British India, will depend upon the Bishops in each several locality.

The result of this Concordat, as Your Lordship will perceive, is as follows :—

1. The pretension of the Crown of Portugal to Ecclesiastical Patronage and the claim of the Archbishop of Goa to jurisdiction throughout the territory of British India is extinguished.

2. The Patronage of the Crown of Portugal and the jurisdiction of the Archbishop of Goa are restricted to the Ecclesiastical Province containing the seven Suffragan Sees above named.

3. The Crown of Portugal will have the nomination of the Metropolitan and Bishops of Bombay, Mangalore, Quilon, and Madura, but only from a list of three names presented by the Bishops of those Sees.

4. In the four Dioceses of Bombay, Mangalore, Quilon, and Madura the Portuguese or Goanese population is considerable, consisting of 103 priests and 104,500 Catholics, and this concession to the Crown of Portugal will give satisfaction, the limitation of choice to the three names will always be a sufficient security to the British Government for the character of the person nominated.

5. The abandonment of the Portuguese Patronage and jurisdiction throughout the rest of British India gives a very large security to our Government by terminating the pretensions which have hitherto caused disturbance.

6. It is intended to bring the whole state of the Church in India into Canonical order by the erection of the Hierarchy.

This summary contains in outline and in substance the effect of the *Concordat*, and is highly favourable to the peace and welfare of British India and its Government.

Dated Rome, the 21st June 1886.

From—H. E. Ludovico Cardinal Jacobini.

To—Henry Edward Cardinal Manning.

Essendosi la Santa Sede giovata per il passato dell influenza di cui qode l' Eminenza vostra presso alcuni personaggi del Governo Inglese, allo scopo dio interessalo nella vertenza del Patronato Portoghese salle Indie Orientale, è desiderio del Santo Padre che le venga comunicato lo stato atturle delle trattative che omi volgono a termine.

Porche nei prossimi giorni sarà sotto seritto il nuovo concordato fra la S. Sede ed il Portogallo, e perciò non remane che ratificarbo dopo la relation approvazione delle Camere.

Col nuovo concordato poi alla Sede Metropolitana di Goa, vengono aggiunte tre Diocesi Suffragance, civè Daman, Crangoanor, e S. Thomé de Meliapour. Per le quattro Diocesi di Pombay, Mangalor, Quilon, e Maduré. che verranno erette colla costituzione della Gerarchia i Vescovi della Provincia col respettivo metropolitano formeranno una terna dentro la quale la Corona Portoghese seglierà il Vescovo che riterrà mighore. In fine i gruppi principali dei Goanesi, che rimangono fuori della Prouvinco ecclesiastica Portoghese dihenderanno rispettivamente dagli Ordinarii di esse.

Come Vostra Eminenza facilmente comprenderà le autiche pretese del Portogallo vengono per tal quisa limitate di molto, e se non, si è ottenuto tutto quello che si aveva diritto di esigere, vi è luogo a sperare che le concession della Santa Sede sarnano largamente compensate.

La fondazione di una Provincia ecclesiastica Portoghese colle relative istituzioni, la quale si è in qualche maniera ricostituita colle Diocesi Portoghesi pre esistenti, ma però in territorii peù ristretti, la celsazione della guirisdizione straordinaria, e l'alsettamento regolare di quelle cristianità mentre varrauno ad eliminare gli inconvenienti che si deploravano pel passato potranno inoltre produrre seri e positivi vantaggi.

Quello poi che più monta si è che il Portogallo laseiando libero campo alla Santa Sede in tutto il rimanente territorio delle Indie, potrà quanto, prima fondarsi colà la Gerarchia ecclesiastica. Cotesta forma rispondente alle attuali condizione ed esigenze di quelle cristianita renderà più regogliosa la vita della chiesa nelle Indie, e vi forà prosperare tutte quelle istituzioni che un orgauamento normale, ed uno stato di crescente vitalità sogliono produrre. Vostra Eminenza raoviserà queste disposizioni non solamente conformi ai diritti della Santa Sede, ma anche alle manifestazioni del Governo Inglese. Daltronde solla costituzione della Gerarchia mentre si provvede ad una definitiva sistemazione della chiesa nelle Indiee d'altra parte si rende manifesto il progresso religioso che mole essere argomento e cagione anche del progresso civile di un popolo.

Pertanto nel pregare Vostra Eminenza di for conosceere al Signor Gladston, quanto la S. Sede ha determinato per la sistemazione degli affari religioso nelle Indie mi valgo con piacere della opportunita per confermarle i sensi del mio profundo ossequio, con eui le bacio umilissimauente le mani.

Dated Foreign Office, London, the 1st September 1886.

From—Sir T. V. Lister, K.C.M.G., Assistant Under Secretary of State for Foreign Affairs.

To—Her Majesty's Under Secretary of State for India.

With reference to my letter of 18th June I am directed by the Secretary of State for Foreign Affairs to transmit to you, to be laid before the Secretary of State for India in Council, the accompanying copies of two despatches from Her Majesty's Minister at Lisbon, with reference to a Convention between the Holy See and Portugal respecting Ecclesiastical Patronage in the East Indies.

[Mr. Petre, Nos. 42—46.

No. 42, dated Lisbon, the 29th July 1886.

From—George G. Petre, Esq., Her Majesty's Minister at Lisbon.
To—The Earl of Rosebery.

The official Gazette of yesterday published the text in Portuguese and Italian of the Convention between the Holy See and Portugal for the settlement of the questions at issue concerning the ecclesiastical jurisdiction of the Crown of Portugal in India, which was signed at Rome on the 23rd of last month. The Royal Decree ratifying this Convention is preceded by a very lengthy Report signed by the Ministers of Marine and Foreign Affairs, and is followed by a still more voluminous Report addressed by Senõr Martens Ferrao, the Portuguese Ambassador at Rome, who is at present in Lisbon, to the Minister for Foreign Affairs, treating of the whole question historically and juridically, and minutely detailing the progress and results of the negotiations. The letters exchanged between His Holiness and the King of Portugal in the months of January and February are also published in the Gazette.

I have the honour to inclose printed copies of all the documents above-mentioned, together with a translation of the Convention itself and of the Annex which is an essential part of it.

The terms of the Agreement which has thus put an end to a long and, at times, an acrimonious conflict, will be found to be nearly identical with those described in my despatch No. 32 of the 4th June.

An arrangement which, without wounding the national pride of Portugal, very considerably curtails and strictly defines the ecclesiastical jurisdiction claimed by her within the dominions of another Power, and, at the same time, puts an end to the scandal of religious and civil conflicts between Christian communities, will probably be considered unobjectionable by the Government of India.

Extract from the "Diario do Governo" of July 28, 1886.

Royal Decree.

(Translation.)

Taking into consideration the Report submitted to me by the Ministers and Secretaries of State for the Departments of Marine and Colonies and of Foreign Affairs, I hereby decree as follows :—

Article 1. The Convention signed at Rome on the 23rd June last, which, in accordance with the VIIth, Xth, XIVth, and XVIth Articles of the Concordat of the 21st February 1857, defines in a precise manner the limits of the Portuguese Bishoprics and lays down the conditions under which the exercise of the right of patronage of the Crown of Portugal in the East Indies shall continue in force, is hereby approved, and will be ratified within the period laid down in the XIIth Article of the same.

Article 2. The Government will render an account to the Cortes of the provisions contained in this Decree.

The Ministers and Secretaries of State for the Departments of Marine and Colonies and of Foreign Affairs shall accordingly carry this Decree into effect.

Given at the Palace, the 22nd July 1886.

(Countersigned.) THE KING.

Henrique de Macedo.

Henrique de Barros Gomes.

Convention.

In the name of the Most Holy Trinity.

His Holiness the Supreme Pontiff Leo XIII, and His Most Faithful Majesty the King Don Lewis I., being animated with the wish to favour and further the development of the Christian communities in the East Indies, and to settle in a stable and definitive manner the patronage therein of the Portuguese Crown, have determined to make a Concordat, and for this purpose they have appointed their Plenipotentiaries, as follows: on the part of His Holiness the Most Eminent and Reverend Cardinal L. Jacobini, his Secretary of State, and on the part of His Most Faithful Majesty, His Excellency the Councillor of State, João B. da S. Ferrão de Carvalho Martens, Ambassador Extraordinary, a Peer of the Realm, and

Honorary Minister of State, who after exchanging their respective full powers, which were found in due and proper form, have agreed upon the following Articles :—

ARTICLE I.

In virtue of the ancient Papal Concessions, the exercise of the Royal patronage of the Portuguese Crown shall continue in force, in accordance with the Sacred Canons, in the Cathedral Sees in the East Indies, subject to the modifications laid down in this Concordat.

ARTICLE II.

As regards the Metropolitan and Primatial Church of Goa, the Archbishop shall continue to exercise his Metropolitan rights in the dioceses which are suffragan thereto.

The Archbishop, *pro tempore*, will, owing to the Concession kindly made by His Holiness, be raised to the high dignity of Patriarch, *ad honorem*, of the East Indies, and will moreover enjoy the privilege of presiding over the Provincial Councils throughout the East Indies, which will usually be held at Goa, saving the right of the Supreme Pontiff to rule otherwise under special circumstances.

ARTICLE III.

The Ecclesiastical and Metropolitan Province of Goa will be composed, in addition to the Metropolitan See of the three following dioceses, namely, of Damao, and of the titular See of Cranganor, of Cochin, and of St. Thomas of Meliapor.

The limits of each of these three dioceses, as well as the various places under their respective jurisdiction, will be laid down in a separate Annex.

ARTICLE IV.

The Crown of Portugal shall exercise the right of patronage in the Metropolitan Diocese of Goa and in the three suffragan dioceses.

ARTICLE V.

In view of the advantages which may accrue to the faithful from the reconstruction of the said three dioceses and from a regularly constituted ecclesiastical province, a few of the principal groups of the so-called Goanese Christian communities, of which mention is made in the Annex above-mentioned, and which are not comprised within the limits assigned to the said three dioceses, shall be annexed to the latter, with due regard to the homogeneous material and moral elements which surround them, and point out the expediency of their being joined together.

In the Goanese Missions of the other dioceses the Ordinary will give the preference to Goanese or Portuguese priests, subject to him as regards any appointments for the cure of souls.

ARTICLE VI.

The Portuguese Government on their part engage to provide for the proper endowment of the said dioceses referred to in the IIIrd Article of this Concordat, and of the Cathedral Chapters, of the clergy and of the seminaries, and to co-operate in an effectual manner with the respective Bishops for the foundation of schools, orphan asylums, and of other establishments that are requisite for the welfare of the faithful, and for the spread of the Gospel among the infidels.

ARTICLE VII.

With respect to the four dioceses of Bombay, Mangalor, Quilon, and Maduré, which will be erected on the establishment of the hierarchy in the East Indies, the Metropolitans, together with their suffragans in the event of any of the said Episcopal Sees falling vacant, and the Suffragan Bishops of the province in the event of the Archiepiscopal See falling vacant, shall, of their own free will, draw up a list of three names for communication to the Archbishop of Goa, who will forward the same to His Majesty the King of Portugal, who shall be bound to present, within the period of six months, a candidate to the Holy See selected from among the three names proposed. Should no such presentation have been made within the period of six months, the Holy See shall be at liberty to select any person it may think fit.

ARTICLE VIII.

The Archbishops and Bishops of the four dioceses mentioned in the foregoing Article, and which are to be created upon the establishment of the ecclesiastical hierarchy, shall for the first time be named by the Supreme Pontiff.

ARTICLE IX.

The Christian communities of Malacca and Singapore, which are now placed under the extraordinary jurisdiction of the Archbishop of Goa, will in future be subject to the jurisdiction of the Bishop of Macao.

ARTICLE X.

The patronage of the Crown of Portugal being thus settled, throughout the rest of the territory in the East Indies, the Holy See shall enjoy full liberty of appointing Bishops, and of adopting any measures it may deem expedient for the welfare of the faithful.

ARTICLE XI.

The former Concessions relative to the patronage of the Crown of Portugal in the East Indies having been thus modified and interpreted, the IIIrd, IVth, Vth, and VIth Articles, as well as the Annex (A) of the Concordat of the 21st February 1857, shall continue in force.

ARTICLE XII.

The present Treaty, together with its Annex, which is an integral part thereof, shall be ratified by the High Contracting Parties, and the ratifications shall be exchanged at Rome within three months from the date of the signature of the same, or sooner if possible.

(L.S.) L. CARDINAL JACOBINI.

(L.S.) JOAO B. DA S. FERRAO DE CARVALHO MARTENS.

Rome, June 23, 1886.

Annex to the Third Article of the Concordat of June 23, 1886.

I. The Patriarchal Metropolitan and Primatial See of Goa will comprise :—

1. The whole territory of the Portuguese possessions in India at present belonging to Portugal, with the exception of the districts of Damao and Diu, which will appertain to the Suffragan Diocese of Damao and Titular Diocese of Cranganor, in accordance with the IIIrd Article of this Concordat.

2. Northern Canara, with the Christian communities of either jurisdiction existing there, and which at present are the following, namely :—

Of Sadahisgor, of Sunkerry, of Karwar, of Ankola, with the Christian communities of Bingi, Chindierro, Bollingolly, Yellopor ;

Of Sirey, of Honowar, with the Christian communities of Kiroly, Boteul, Ferquembat ;

Of Chandowar and Coompta ;

Of Golmuna, with the Christian communities of Sounxim, Munkim, and Baitur ;

which will thus constitute a continuous diocesan territory under the ordinary jurisdiction of Goa.

3. The Christian communities at present existing within the above-mentioned division of territory which are now subject to the other jurisdiction will be placed under the ordinary jurisdiction of Goa.

II. The Diocese of Damao and Titular of Cranganor, now created in virtue of the VIIth Article of the Concordat of the 21st February 1857, will be thus formed :—

No. 1.

1. Of the districts of Damao and Diu, at present under the ordinary jurisdiction of the Archbishop of Goa ;

2. Of that part of the district of Broach lying to the south of the River Norhadda, and of the district of Surat ;

3. Of the district of Northern Kenkam;

4. Of the actual "varado" (territorial deanery) of the Islands of Salcate and Trombay;

5. Of the actual "varado" (territorial deanery) of Baçaim;

which will thus constitute a continuous diocesan territory subject to the ordinary jurisdiction of the diocese.

6. The under-mentioned Christian communities and establishments at present under the jurisdiction of the Vicar-Apostolic are excepted:—

In the district of Surat, the churches and parishes of Surat and Balsar.

In the Islands of Salcete and Trombay, the churches and whole parishes of Marolis and of Maucy in the Island of Trombay, at present under the jurisdiction of the Vicar-Apostolic, together with the establishments under the said jurisdiction appertaining thereto.

In Bandora, the church at present under the jurisdiction of the Vicar-Apostolic, with St. Stanislaus' Institute and St. Joseph's Convent, which already belong to him, as well as the churches of Juven, Condotina, and Culven, which are likewise under the jurisdiction of the Vicar-Apostolic.

7. In order to prevent any confusion, it is hereby declared that, in the actual "varados" (territorial deaneries, Nos. 4 and 5) of Salcete and Baçaim, the whole of the Christian communities, which are at present subject to the jurisdiction of the Arch-Diocese of Goa, shall, in future, continue to be subject to the ordinary jurisdiction of the Diocese of Damao; the Christian communities which are excepted in No. 6 not being at present under the jurisdiction of Goa.

No. 2.

The whole of the Christian communities, together with the churches, chapels, and establishments belonging to them, as well as their property and revenues in the City and Island of Bombay, which are at present under the jurisdiction of the Archbishop of Goa, shall also, in future, belong to the Diocese of Damao; for the sake of clearness they are named here, as follows:—

1. Masagao, together with the church and establishments belonging to it, and with the Chápel of St. Francis Xavier at Colaba, as well as the establishments appertaining thereto;
2. St. Francis Xavier at Dalbul;
3. Caval (Our Lady of Dolours), with the chapel at Lonpoor;
4. Upper Mahim (St. Michael's), with the Chapel of Good Counsel at Sion, as well as the school appertaining thereto;
5. Lower Mahim (Our Lady of Salvation), together with the chapels of Matenga and Parel, as well as the college and schools annexed thereto;

III. The limits of the Diocese of Cochin—Suffragan to Goa—are fixed as follows, and will comprise:—

No. 1.

1. The City of Cochin, together with all the Christian communities, churches, and chapels, as well as any other establishments appertaining thereto.

2. The following districts, with the Christian communities therein, subject to either jurisdiction, namely:—

Maltanchery and Amarambady (subject to the jurisdiction of the Archbishop and of the Vicar-Apostolic).

Pallaruti (under the jurisdiction of the Vicar-Apostolic).

Idacochi, Arus, Punuguto, and Perumpadippu.

Manasherry (St. Lewis).

Manasherry (St. Michael).

Caunnamale.

Candacadavuy.

Combalanganguy.

Chellanam (St. Sebastian).

Chellanam (St. George).

Pollitodu.

Truvine (subject to the jurisdiction of the Vicar-Apostolic and of the Archbishop).

Manacudam and Toveur.

Pallipuram.

Bendurti and Tevere.

Tanghi.

Arthungal (St. George).

Arthungal (St. Andrew), and Mararicolam and Chetti.

Mararicolam (under the jurisdiction of the Archbishop of Goa).

Kattur (Archbishop's jurisdiction).

Aleppi (jurisdiction of the Archbishop and of the Vicar-Apostolic).

Vattalunyhal (Archbishop's jurisdiction).

Pungavu (jurisdiction of Vicar-Apostolic).

Tumboly (jurisdiction of the Archbishop and of the Vicar-Apostolic).

No. 2.

In the actual Apostolic Vicariate of Quilon the under-mentioned Christian communities :—

1. Aravola;
2. Caringolam;
3. Pontorré;
4. Tutur;
5. Waliatowe;
6. Velli;

including the whole of the churches, chapels, establishments, property and revenues appertaining thereto.

IV. The limits of the Diocese of St. Thomas of Meliapor—Suffragan to Goa—are fixed as follows :—

No. 1.

1. The city of St. Thomas of Meliapor, with all its Christian communities subject to either jurisdiction, and with those of St. Thomas' Mount, including the churches, chapels, and establishments appertaining thereto, and also at

Palavaram, and

Cavelung and Chinglepett;

with the following boundaries :—On the east the Gulf of Bengal; on the north, Edward Elliot's Road and St. George's Cathedral Road; on the west, the road from Madras to Congeveran as far as the River Palar; on the south, the River Palar as far as the sea; the whole of which will thus constitute a continuous diocesan territory.

2. In the actual Apostolic Vicariate of Maduré :—

The Christian communities subject to either jurisdiction, including the whole of the churches, chapels, as well as any other establishments appertaining thereto that are situated in the districts of

Tangiore;

Rigapatam; and

Manargudi;

the boundaries being on the east, the Gulf of Bengal; on the north, the rivers called Vettar and Vemar; on the west and south the several limits of the districts of Tangiore, Manargudi, and Nizagapatam, which will thus constitute a continuous diocesan territory.

No. 2.

1. All the Christian communities, churches, chapels, as well as any other establishments appertaining thereto, together with the properties and revenues of the same at Calcutta and at Dacca or Daka, which are at present under the jurisdiction of the Portuguese Vicar-General of Bengal, and which for the sake of clearness are mentioned here, namely :—

Boitakanah, in the city of Calcutta;

Chinzurah;

Bandel, in the district of Hooghly, together with the schools appertaining thereto.

At Dacca or Daka, the Christian communities of Dacca (Our Lady of Mercy);

Tesgao (Our Lady of the Rosary);

Nagory (St. Nicholas' Tolentine);

Hosnabad (Our Lady of the Rosary);

with the Christian communities which are at present either annexed to or dependent thereon;

Shibpur (Our Lady of Guidance)

likewise, with the Christian communities which are at present either annexed to or dependent thereon.

2. The Christian communities, together with their churches and chapels now exclusively subject to the jurisdiction of the Archbishop of Goa, and situated within the actual limits of the Vicariate Apostolic of Maduré.

As regards the small villages therein under the two jurisdictions, the two Bishops of St. Thomas and of Maduré will draw up equitable proposals, in order that the Holy See and the patron may decide to which of the two jurisdictions they shall be subject for the future.

V. Although the declaration has already been made, nevertheless, for greater clearness, and in order to obviate any doubts for the future, it is hereby declared that whenever this Annex treats of Christian communities, it is understood that it means all the churches, chapels, as well as any other establishments that may be annexed to or dependent upon the same, together with the whole of their property and revenues.

Compensation will be given for any property belonging either to Portugal or to the Vicars-Apostolic at any places that may be mutually ceded. These matters shall be settled by the respective Bishops and Vicars-Apostolic by whom they are to be submitted to the consideration of the Holy See and of the Portuguese Government.

L. CARDINAL JACOBINI.

JOAO B. DE S. FERRAO DE CARVALHO MARTENS.

Rome, 23rd June 1886.

No. 46, dated Lisbon, the 5th August 1886.

From—George G. Petre, Esq., Her Majesty's Minister at Lisbon.

To—The Earl of Iddesleigh.

Supplementing my despatch No. 42 of the 29th ultimo to the Earl of Rosebery, I have the honour to inclose translation of those portions of the Reports signed respectively by the Ministers for Foreign Affairs and Marine, and by Senhor Martens Ferrão, the Portuguese Ambassador to the Holy See, which were published at the same time as the Convention concluded between the latter and Portugal on the 3rd June last, in which special reference is made to Great Britain.

M. de Barros Gomes states the case fairly enough in admitting that the Portuguese patronage was always contested as a right by the British Government, but was tolerated so long as a good understanding prevailed on the subject between Portugal and the Holy See. M. Martens Ferrão, however, goes much farther than this, and, as a jurist, upholds the Treaty right of Portugal from an international point of view, and even adds that not a single jurist will be found to maintain a contrary opinion. This is, to say the least, a very bold assertion; and, as the attitude of Her Majesty's Government has been one of complete neutrality as between Portugal and the Vatican, it is not very clear what purpose it served to make it.

I have always maintained in my conversations with the Ministers for Foreign Affairs and others that the Treaty of Bombay did nothing more than guarantee the free exercise of their religion and the fullest religious toleration to the Roman Catholic population, whose allegiance was transferred by that Treaty to the British Crown, and that I did not see now it was possible to construe it into a recognition of the ecclesiastical jurisdiction of Portugal over the whole territory of Hindoostan, not a foot of which at the time, except the Island of Bombay, belonged to England.

Extract from the "Diario do Governo" of July 28, 1886.

(Translation.)

Extract from the Report of the Ministers of Marine and Foreign Affairs relative to the Convention between the Holy See and Portugal, with reference to Portuguese Ecclesiastical Patronage in the East Indies, signed at Rome, June 23, 1886.

In addition to the complex causes which in Portugal, at the Vatican, and in India had placed the ancient and venerable right of patronage in that violent condition, there were others at times of an international nature which were extremely delicate, and connected the probable fate of the patronage with the vicissitudes of politics and of parties in a foreign nation. The traditional attitude of that nation with regard to religious matters might recognize that right of patronage as a matter of fact so long as a good understanding was maintained between Portugal and the Supreme Pontiff, but always contesting it as a right, and not tolerating it as the origin, as it might be, and as it then was, up to a certain point, of dissensions and of disturbances of the public peace in the vast empire placed under her dominion.

Extract from the Report of Senhor Martens Ferrão, Portuguese Ambassador to the Vatican, respecting the Negotiations for the Covention signed by him at Rome, June 23, 1886.

Lisbon, July 15, 1886.

2. England, as a non-Catholic country, ever since she put an end to ancient contentions, has kept entirely aloof from all questions of Catholic jurisdiction in her vast and differently situated possessions, as well as in Great Britain. The reason of this is both historical and administrative. It is not my business to discuss this historical point, or to analyze the special features of English administration, which is in accordance with the character and conditions of the people over whom it rules.

In the Memoranda which I presented to the Holy See, especially in the one of the 15th February, I mentioned several facts that had occurred in Hindostan of great importance as regards this matter.

In this place I shall only state, in a few words, that the regular exercise of Portuguese patronage in Hindoostan is based, as far as England is concerned, upon the obligatory force of Treaties as well as upon tradition, and upon an uninterrupted possession up to the present.

I must observe as a principle that the recognition of the patronage is made on the part of the Holy See, because its effects are solely and purely canonical; and, as the Supreme Pontiff freely governs the various Churches and Missions, he can, as he has always done, recognize the canonic title-deeds of the existing patronage, and accept the exercise of the same, as it is *de jure* accepted.

But this, which is a general doctrine, in view of the manner in which England accepts the free administration of the Catholic Church, is based, as regards the Portuguese patronage in India, on the right of Treaties.

In the Bombay Treaty of the 23rd June 1661, which is subsequent to the establishment of all the patronage bishoprics in India, as I have shown, the following stipulation is made in the XIth Article:—

"The inhabitants of the said island (as the King of Great Britain's subjects, and under his sovereignty, Crown, jurisdiction, and Government) being suffered still to live there, and enjoy the free exercise of the Roman Catholic religion, in the same manner as they now do, it being understood and declared once for all that the same order shall be observed for the exercise and preservation of the Roman Catholic religion in Tangier, and all other places which shall be delivered by the King of Portugal into the possession of the King of Great Britain, as was provided for and agreed upon, the delivery of Dunkirk into the hands of the English," &c.

As Catholicity was not at the time received either in England or in her dominions, it is clear that the carrying out of that condition depended upon the maintenance of the Portuguese ecclesiastical hierarchical order in those regions, as existing at that time, that is to say, provided by the patron, and organized in the various Portuguese dioceses, as had long been the case, verily the legal *statu quo* not only at Bombay, but throughout the whole of India.

In the record of the delivery of Bombay on the 18th February, 1665, as transcribed in Mr. Biker's collection, the following declaration is to be found:—

"Item que não se intrometterão os Senhores Inglezes nas materias da fé nem obrigarão os moradores da dita ilha de Bombaim, nem directa nem indirecta a muder de crença, nem de ouvir suas predicas, e deixarão aos ministros ecclesiasticos

exercitar suo juridicão, sem impedimento algum, por ses esta condição expressa nós capitulos da paz, e debaixo da qual seilhes mandar fazer a entrega; e fazendo em algum tempo o contrario se entenderá que quebraram o assentado e promettido, e recairá o direito da dita ilha para a Coroa de Portugal."

"Item that the English shall not concern themselves in matters of faith nor oblige the inhabitants of the said Island of Bombaim directly or indirectly to alter their belief, nor to come to hear their sermons. And they shall let the ecclesiastical ministers exercise their jurisdiction without any disturbance, this express condition being in the Articles of peace, and under it the delivery is commanded to be made to them, and they doing at any time to the contrary, it shall be understood a breach of what is let down and promised, and the right of the said Island shall return to the Crown of Portugal."

And further on :—

"Item que aos parochos e religiosos que assistem em Bombaim se terá todo o respeito devido e promettido, e as igrejas não serão tomadas para uso algum, nem n'ellas se façam predicas, e aos que o intentarem, se de o castigo devido que sirva de exemplo."

"Likewise that due respect, as promised, shall be shown to the parish priests and friars residing at Bombay, and that the churches shall not be seized for any purpose, and that no sermons shall be preached therein, and that any persons attempting to do so shall be duly punished so as to serve as an example."

In the work named "Quadro elementar das Relações Politicas e Diplomaticas de Portugal com as diversas Potencias do Mundo" ("Schedule of the Political and Diplomatic Relations between Portugal and other Nations of the World"), the following passage is to be found in the part relating to this period, which I transcribe :—

"16 de Agosto de 1663. Carta regia mandada excutar em nome das conveniencias'particulares do Estado da India. Por ella se declaron formal e explicitamente a reserva que fazia a Coroa de Portugal *in perpetuum*, do padroado com todas as regalias que até entáo gozára, acrescentando que os pleitos civis dos Christãos Catholicos seriam decididos com assistencia do, feitor que el Rei de Portugal nomeasse, e ordenando que só quando elle o julgasse necessario teria logar a appellacão para as justiças Inglezas, correndo o processo perante ellas, mas sempre na lingua Portugueza."

"16th August, 1663. Royal letter ordered to be carried into effect in view of the special expediency of the State of India. The reservation made by the Crown of Portugal *in perpetuum* of the patronage, together with all the privileges enjoyed up to that time, is formally and explicitly declared therein, and it is added that the civil suits of the Christian Catholics would be decided in the presence of the factor appointed by the King of Portugal, and commanding that no appeal should be made to the English Judges unless he should deem it necessary, in which case the suits would be pleaded before them, but always in the Portuguese language."

The same document gave the assurance that the British Government would treat us with perfect friendship in every place, as if the two nations in India formed one only nation, and that for this purpose assistance would be rendered in every respect in order to carry into effect the Decrees of the Crown of Portugal.

The Royal letter also added that the actual vicars and their successors would be appointed by the Prelate of Goa as until then, and that the churches of Bombay would continue under the Royal patronage with all the rights and privileges thereunto appertaining, His Majesty reserving the same for himself and his successor absolutely and for ever, in such a manner that any infraction of this principal Article would render all the other clauses of the first Treaty and of the recent Convention—to which the foregoing Articles concerning the delivery had reference—null and void, so that, should any one of the same be either broken or altered, the whole should be looked upon as revoked, and the whole right of sovereignty over the Island of Bombay would again revert to the Crown of Portugal.

The said author, in referring to the aforementioned deed of the delivery of Bombay, as quoted in Mr. Biker's collections, says that the same is to be found in the Public Library at Evora, MSS. Cod : CXVI—39, p. 305.

Senhor Conselheiro Barrosé Sá, in a very learned speech delivered by him at a sitting of the Chamber of Peers during the last Session treated this matter at great length.

With regard to this subject, the Convention between Antonio de Mello e Castro, Viceroy of the States of Portuguese India, and Abraham Thepman, Governor of British India, relative to the delivery of Bombay, may also be consulted; it is to be found in the General Register of the Office of the State of Goa, in accordance with the above-quoted reference.

Consequently, the provisions of the Treaty of 1661—the conditions of which constitute a legal onus—the explicit condition set forth at great length in the authentic Royal letter of 1663, of which I have quoted the substance, as well as the official record of the possession taken, likewise transcribed, are incontestible documents in support of the Portuguese rights. These express documents regulate the mutual rights and obligations of the parties concerned. But above all these documents there is the fact which constitutes a right in international law—that is, the long and peaceable possession of the full exercise of the Portuguese patronage in all the cathedral churches of Hindoostan, and in all the Christian communities dependent thereon, founded on a lawfull title both evident and recognized; which possession has, moreover, been uninterruptedly exercised both before and after the establishment of the British dominion. This fact, even if those documents did not exist at all, would, *per se*, constitute a legal right which could not be impugned *bonâ fide*. Ancient and modern writers on international law such as Watel, Hoefter, Bluntschli, Calvo, Martens, and others are quite agreed upon this point.

Even if those diplomatic documents, which are a most valid proof that a respect for the Portuguese patronage in India was made a condition for the dominions and rights ceded in the Treaty of 1661 did not exist at all, the uninterrupted possession of a fact based upon Concessions granted by the Holy See subject to onerous obligations, carried on without opposition and in a peaceable manner for centuries in the churches of India, would exhibit all the characteristics of a tacit Treaty, and would therefore constitute, as regards Portugal, a real title based on international law. Not a single legist will be found to maintain a contrary opinion.

Dated Foreign Office, London, the 2nd September 1886.

From—Sir T. V. Lister, K.C.M.G., Assistant Under Secretary of State for Foreign Affairs.

To—Her Majesty's Under Secretary of State for India.

With reference to my letter of the 1st instant, I am directed by the Earl of Iddesleigh to state to you, for the information of the Secretary of State for India in Council, that Her Majesty's Ambassador at Rome reports, under date of the 20th ultimo, that he has been informed by the Portuguese Chargé d' Affaires to the Holy See that he signed on the 16th ultimo, with Cardinal Jacobini the Ratifications of the Concordat recently concluded between Portugal and the Vatican, for the regulation of Ecclesiastical Jurisdiction in the East Indies.

Dated Foreign Office, London, the 17th September 1886.

From—Sir T. V. Lister, K.C.M.G., Assistant Under Secretary of State for Foreign Affairs.

To—Her Majesty's Under Secretary of State for India.

With reference to my letter of the 2nd instant, I am directed by the Secretary of State for Foreign Affairs to transmit to you, to be laid before the Secretary of State for India in Council, copy of a despatch as marked in the margin relating to the Concordat between Portugal and the Vatican.

Sir J. Lumley, No. 232, dated 27th August 1886.

No. 232, dated Rome, the 27th August 1886.

From—Right Hon'ble Sir J. S. Lumley, G.C.B., Her Majesty's Ambassador at Rome.

To—The Earl of Iddesleigh.

I have the honour to inclose herewith copy of the Concordat concluded between the Holy See and Portugal, which was signed on the 23rd June by Cardinal Jacobini and the Portugese Envoy to the Vatican, Don Silva Ferrao de Carvalho Martens, and which has been published in the "Moniteur de Rome" of this date.

Extract from "Le Moniteur de Rome" of August 26, 1886.

Concordat stipulé le 23 Juin, 1886, entre le Saint-Siège et le Portugal.

Au nom de la Très Sainte Trinité.

SA Sainteté le Souverain Pontife Léon XIII et Sa Majesté Très Fidèle le Roi Dom Louis I, animés du désir de favoriser les progrès du Christianisme aux Indes Orientales, et d'y régler d'une manière stable et définitive le Patronat de la Couronne de Portugal, ont résolu de faire un Concordat. Ils ont nommé à cet effet

deux Plénipotentiaires, c'est-à-dire, au nom de Sa Sainteté, l'Eccellentissime et Reverentissime Cardinal Ludovic Jacobini, son Secrétaire-d'Etat, et, au nom de Sa Majesté Très Fidèle, son Excellence M. Jean-Baptiste da Silva Ferrão de Carvalho Martens, Ambassadeur Extraordinaire et Ministre d'Etat honoraire ; lesquels, ayant échangé leurs pleins pouvoirs respectifs, et les ayant trouvés en bonne et due forme, sont convenus d' adopter les Articles suivants :—

ARTICLE I.

En vertu des anciennes concessions Pontificales, l'exercice du Patronat de la Couronne de Portugal sera continué, conformément aux règles canoniques, dans les Eglises Cathédrales des Indes Orientales, d'après les modifications énoncées dans le présent Concordat.

ARTICLE II.

Quant à l'Eglise Métropolitaine et 'Primatiale de Goa, l'Archevêque continuera d'exercer ses droits de Métropolitain dans les diocèses suffragants.

Par une bienveillante concession de Sa Sainteté, l'Archevêque *pro tempore* sera élevé à la dignité de Patriarche *ad honorem* des Indes Orientales, et il jouira, en outre, du privilège de présider les conciles nationaux de toutes les Indes Orientales, lesquels se réuniront d'ordinaire à Goa, sauf le droit du Pape d'en disposer autrement dans des circonstances particulières.

ARTICLE III.

La province ecclésiastique de Goa sera composée, outre le siège Métropolitain des trois diocèses de Damau ayant aussi le titre de Cranganor, de Cochin, et de Saint Thomé de Meliapor.

Les limites de ces trois diocèses et les lieux qui leur sont sujets seront indiqués dans une feuille séparée.

ARTICLE IV.

Dans le diocèse Métropolitain de Goa, de même que dans les trois diocèses suffragants, le droit de Patronat sera exercé par la Couronne de Portugal.

ARTICLE V.

En vue des avantages qui, par suite de la reconstitution des trois diocèses sus-indiqués, et, partant, d'une province ecclésiastique régulière, pourront résulter en faveur des fidèles de ces contrées, il reste convenu que quelques-uns des groupes principaux des Chrétientés Goanaises, tels qu'ils sont indiqués dans une annexe spéciale, bien que n'étant pas compris dans les limites des trois diocèses susmentionnés, y seront néanmoins agrégés, eu égard aux éléments matériels et moraux d'homogénéité qui les assimilent a ces mêmes diocèses.

Dans les missions Goanaises des autres diocèses, l'Ordinaire devra confier de préférence le soin des âmes à des prêtres Goanais ou Portugais relevant de son autorité.

ARTICLE VI.

Le Gouvernement Portugais prend l'engagement de pourvoir a la dotation convenable des diocèses susmentionnés, des chapîtres, du clergé, et des séminaires, et il coopérera d'une manière efficace à seconder l'action des Évêques, pour fonder des écoles, des orphelinats, et d'autres institutions requises pour le bien des fidèles et l'évangélisation des païens.

ARTICLE VII.

Pour les quatre diocèses de Bombay, Mangalor, Quilon, et Maduré, qui seront érigés par l'institution de la hiérarchie aux Indes, les Métropolitains avec les Évêques suffragants, à la vacance des sièges épiscopaux, de même que, à la vacance du siège archiépiscopal, les suffragants de la province formeront une *terne* à leur libre choix et la communiqueront à l'Archevêque de Goa, qui la remettra à la Couronne, et celle-ci devra présenter au Saint-Siège un candidat, sur les trois compris dans la *terne*, dans un délai de six mois, après lequel la liberté du choix est dévolue au Saint-Siège.

ARTICLE VIII.

Le Souverain Pontife nommera pour la première fois lès Archevêques et les Évêques des quatre diocèses indiqués à l'Article précédent, diocèses qui seront fondés dès qu'aura lieu la constitution de la hiérarchie ecclésiastique.

ARTICLE IX.

Les Chrétientés de Malacca et de Singapour, actuellement dépendantes de la juridiction extraordinaire de l'Archevêque de Goa, seront sujettes à la juridiction de l'Evêque de Macao.

ARTICLE X.

Le Patronat de la Couronne étant ainsi réglé le Saint-Siege jouira, dans tout le territorie restant des Indes Orientales, de la pleine liberté de nommer les Evêques et de prendre les résolutions qu'il croira opportunes pour le bien des fidèles.

ARTICLE XI.

Les concessions précédentes relatives au Patronat de la Couronne aux Indes Orientales étant modifiées et interprétées de la sorte, les Articles 3, 4, 5, 6, et l'Annexe A du Concordat de 1857 restent en vigueur.

ARTICLE XII.

Le présent Traité avec son annexe, qui en forme partie intégrante, sera ratifié par les Hautes Parties Contractantes, et les ratifications seront échangées à Rome, dans le terme de trois mois à dater de la signature, ou avant si c'est possible.

Rome, le 23 *Juin,* 1886.

L. Card. JACOBINI.

JEAN-BAPTISTE DE SILVA FERRAO DE CARVALHO MARTENS.

Government of India Central Printing Office.—No. 999 H. D.—1-3-87.—300.

Exd.——W. B. G.

No. 101 (Public—Ecclesiastical), dated India Office, London, the 4th November 1886.

From—Her Majesty's SECRETARY OF STATE for India.

To—His Excellency the Right Honourable the GOVERNOR GENERAL of India in Council.

IN continuation of my Despatch of the 7th ultimo, No. 87, I transmit copy of a further letter* from the Foreign Office, with enclosure, on the subject of the Concordat recently concluded at Rome respecting the Roman Catholic Ecclesiastical Patronage in India.

* Dated 29th September 1886, and enclosure.

2. With reference to the Despatch from the Government of Bombay, dated the 13th ultimo, No. 7, I request that Your Excellency in Council will inform that Government, in connection with any communication Your Government may address to them on the subject of this Concordat, that I have received and forwarded to the Foreign Office a copy of the petition from certain Parishioners of the Roman Catholic Churches in Bombay, Salsette, and Bassein protesting against their subjection in ecclesiastical matters to the spiritual jurisdiction of the Crown of Portugal and of Bishops appointed by that Power.

Dated Foreign Office, the 29th September 1886.

From—Sir T. V. LISTER, K.C.M.G., Assistant Under Secretary of State for Foreign Affairs.

To—Her Majesty's UNDER SECRETARY OF STATE for India.

WITH reference to my letter of the 1st instant, I am directed by the Secretary of State for Foreign Affairs to transmit to you, to be laid before the Secretary of State for India in Council, a copy of a Despatch, as marked in the margin, relating to a petition addressed to the King of Portugal by the Roman Catholic inhabitants of Ceylon against the ratification of the Papal-Portuguese Convention respecting Ecclesiastical Patronage in India which was signed at Rome on the 23rd of June last.

Mr. Petre, No. 52, dated 30th August 1886.

No. 52, dated Lisbon, the 30th August 1886.

(Received 3rd September.)

From—Mr. GEORGE G. PETRE.

To—The EARL OF IDDESLEIGH.

A PETITION purporting to be signed by 1,500 of the Roman Catholic inhabitants of Ceylon against that portion of the Concordat signed at Rome on the 23rd June last, which excludes Ceylon from the spiritual jurisdiction of the Primate of Goa, has been sent to the King of Portugal. It is dated Colombo, 29th July. I do not think it worth while troubling Your Lordship with a translation of this lengthy document, in which His Most Faithful Majesty is asked to withhold a ratification which has already taken place. The petitioners not only extol the merits of the Goanese Clergy, and deplore their deprivation of the blessings of the Portuguese Patronage, but they speak in most disparaging terms of the Vicars-Apostolic and the Clergy under their jurisdiction. They even go so far as to say that it would be "cruel and intolerable" to place them under that "abominable yoke."

Whatever blessings the Portuguese Patronage may have conferred, Christian charity, as far as these petitioners are concerned, does not appear to be one of them.

No.

No. 87, dated 7th October 1886.

COPY, with copy of the Despatch marginally noted, forwarded to the Government of $\frac{\text{Madras}}{\text{Bombay}}$ for information, in continuation of Home Department endorsement No. $\frac{2}{2}\frac{1}{1}\frac{7}{8}$, dated 6th August 1886.

By Order,

HOME DEPARTMENT,
(ECCLESIASTICAL);
Calcutta, the January 1887.

J. P. HEWETT,

Offg. Under Secy. to the Govt. of India.

Government of India Central Printing Office.—No. 998 H. D.—19-1-87.—93.

Exd.—N. C. D.

No. 87 Public (Ecclesiastical), dated India Office, London, the 7th October 1886.

From—Her Majesty's SECRETARY OF STATE for India.

To—His Excellency the Right Honourable the GOVERNOR GENERAL of India in Council.

Foreign Office to India Office, dated 7th July 1886, with enclosure.
Foreign Office to India Office, dated 1st September 1886.
Foreign Office to India Office, dated 2nd September 1886.
Foreign Office to India Office, dated 17th September 1886.

I forward herewith, for the information of Your Excellency in Council, copies of the letters from the Foreign Office, noted in the margin, relative to a Convention between the Holy See and the Kingdom of Portugal for the settlement of the question of Ecclesiastical Patronage in India which has recently been signed at Rome.

2. I also forward a copy of a letter (with enclosure), dated the 13th of August 1886, which has been addressed to the Prime Minister by Cardinal Manning on this subject.

Dated Foreign Office, the 7th July 1886.

From—Sir J. PAUNCEFOTE, K.C.M.G., Under Secretary of State for Foreign Affairs.

To—The UNDER SECRETARY OF STATE for India.

Sir J. Lumley, No. 186, dated 29th June.

With reference to the letter from this office of the 18th ultimo, I am directed by the Earl of Rosebery to transmit to you herewith, to be laid before Her Majesty's Secretary of State for India in Council, a copy of a Despatch, with its enclosure, from Her Majesty's Ambassador at Rome, with reference to the Concordat recently signed at the Vatican between the Portuguese Ambassador and the Papal Secretary of State Cardinal Jacobini, for regulating the question of the right of Patronage of Portugal in the East Indies.

No. 186, dated Rome, the 29th June 1886.

From—Right Honourable Sir J. SAVILE LUMLEY, G.C.B., Her Majesty's Ambassador at Rome.

To—The Earl of ROSEBERY, &c., &c.

On Wednesday 23rd instant, the new Concordat between Portugal and the Curia for regulating the question of the right of Patronage of Portugal in the East Indies was signed at the Vatican by the Portuguese Ambassador, Don Silva Ferrao de Carvalho Martens, and Royal Secretary of State, Cardinal Jacobini.

The *Moniteur de Rome* in an article, herewith enclosed, alludes to the numerous and serious difficulties which for more than half a century have prevented the conclusion of any definitive arrangement of this question for which the enlightened and pacific policy of the present Pope has now found a satisfactory solution, which, while upholding the supreme interests of Catholicism, has respected the historical traditions and the susceptibilities and desires of Portugal, a solution which it states has been very favourably received throughout the Kingdom.

The text of this Concordat has not yet been officially published.

Extract from "Le Moniteur de Rome," 25th and 26th June 1886.

LE ST. SIÈGE ET LE PORTUGAL.

Mercredi, comme nous l'avons annoncé, a été signalé au Vatican par Son Excellence M. le Sécrétaire d'Etat, de Sa Sainteté et Son Excellence l'Ambassadeur du Portugal, le nouveau Concordat qui règle la question du droit de patronage de la Couronne de Portugal aux Indes Orientales. C'est une nouvelle et glorieuse page à ajouter aux annales déjà si remplies du Pontificat de León XIII. Depuis plus d'un demi-siècle de graves et nombreuses difficultés avaient empêché la conclusion d'un accord définitif sur cette question du patronage. Quoique la force des choses exigeât une re-organisation de l'Eglise dans ces contrées, mille obstacles de tout genre s'opposaient à cette œuvre pacificatrice, les précédents historiques, les changements survenus, les susceptibilités nationales ; bref jusque-là, malgré tous les efforts, on n'avait pu trouver un terrain commun, qui conciliât les droits et les intérêts respectifs des deux parties.

Il était réservé à l'esprit éclairé et à la volonté persévérante de Leon XIII de terminer de la façon la plus pacifique et la plus heureuse ce long et épineux debat de sauvegarder les intérêts suprêmes du Catholicisme dans ces contrées en ménageant les susceptibilités du patriotisme portugais. C'est-là le grand et incontestable mérite de la solution intervenue. Le Saint Siège a tenu compte des justes desirs du Portugal, mais sans perdre de vue les légitimes exigences des vastes et nombreuses Chrétientés disséminées dans l'Hindoustan. Sans entraver une organisation plus régulière et mieux appropriée aux besoins actuels de la hiérarchie Catholique, elle flatte l'amour-propre et le patriotisme portugais. Elle rappelle, pour ainsi dire, à tous que ce généreux peuple a été le premier à porter dans ces contrées les lumières de l'Evangile et le flambeau de la civilisation Chrétienne, que si d'autres peuples sont venus, apres lui récolter la moisson, c'est lui qui, le premier, a ensemencé ce champ dont la merveilleuse fécondité nous étonne aujourd'hui.

Aussi la solution donnée à cette question du patronage a-t-elle été accueillie dans tout le Portugal avec la plus vive et la plus entière satisfaction. Une feuille officieuse, le *Comercio de Portugal* s'exprime à ce sujet, en ces termes dignes d'attention.

Animé de la meilleure volonté de nous être agréable, le Saint Père a su concilier dans les négociations autant que lui le permettaient sa haute sagesse et sa conscience éclairée, le respect pour nos droits et nos traditions historiques avec les exigences d'une situation creée déjà depuis longtemps aux Indes comme aussi avec es progrès de la foi religieuse dans ces contrées.

On ne saurait parler avec plus de vérité et de justesse.

En attendant que le texte du concordat soit publié officiellement qu'il nous suffise de dire que ce traité de paix entre une nation Catholique et le St. Siége vient fournir au monde une nouvelle preuve de la puissance morale incontestée et de l'ascendant universel de la Papauté. Mais cette œuvre pacificatrice n'est pas seulement un précieux titre de gloire pour le grand Pontife qui préside si sagement aux destinées de l'Eglise; elle honore aussi infiniment le Gouvernement qui a tenu dans cette circoustance à resserrer son entente étroite avec le St. Siège et qui a vu dans cette union un gage de prospérité et de grandeur nationale.

Dated Westminster, the 13th August 1886.

From—Henry Edward Cardinal Manning.

To—The Marquis of Salisbury, K.G., &c., &c., &c.

I am instructed by the Cardinal Secretary of State in Rome, in a letter of which I herewith transmit a copy, to communicate to Your Lordship that the negotiations between the Holy See and the Government of Portugal have been concluded and have taken the form of a *Concordat*, the nature of which is as follows :—

1. The Metropolitan See of Goa will have the three Suffragan Sees, Daman, Cranganore, and St. Thomas of Meliapour.

2. The four Vicariates of Bombay, Mangalore, Quilon, and Madura will be erected into Dioceses by the constitution of the Hierarchy, and will form a province with their Metropolitan where they will henceforth in the vacancy of any See select three names to be proposed to the Crown of Portugal to which the nomination of the Bishop is conceded.

3. Finally the Goanese or Portuguese Catholics outside of the Ecclesiastical Portuguese Province, that is, throughout the rest of British India, will depend upon the Bishops in each several locality.

The result of this Concordat, as Your Lordship will perceive, is as follows :—

1. The pretension of the Crown of Portugal to Ecclesiastical Patronage and the claim of the Archbishop of Goa to jurisdiction throughout the territory of British India is extinguished.

2. The Patronage of the Crown of Portugal and the jurisdiction of the Archbishop of Goa are restricted to the Ecclesiastical Province containing the seven Suffragan Sees above named.

3. The Crown of Portugal will have the nomination of the Metropolitan and Bishops of Bombay, Mangalore, Quilon, and Madura, but only from a list of three names presented by the Bishops of those Sees.

4. In the four Dioceses of Bombay, Mangalore, Quilon, and Madura the Portuguese or Goanese population is considerable, consisting of 103 priests and 104,500 Catholics, and this concession to the Crown of Portugal will give satisfaction, the limitation of choice to the three names will always be a sufficient security to the British Government for the character of the person nominated.

5. The abandonment of the Portuguese Patronage and jurisdiction throughout the rest of British India gives a very large security to our Government by terminating the pretensions which have hitherto caused disturbance.

6. It is intended to bring the whole state of the Church in India into Canonical order by the erection of the Hierarchy.

This summary contains in outline and in substance the effect of the *Concordat*, and is highly favourable to the peace and welfare of British India and its Government.

Dated Rome, the 21st June 1886.

From—H. E. LUDOVICO CARDINAL JACOBINI.

To—HENRY EDWARD CARDINAL MANNING.

Essendosi la Santa Sede giovata per il passato dell influenza di cui qode l' Eminenza vostra presso alcuni personaggi del Governo Inglese, allo scopo dio interessalo nella vertenza del Patronato Portoghese salle Indie Orientale, è desiderio del Santo Padre che le venga comunicato lo stato atturle delle trattative che omi volgono a termine.

Porche nei prossimi giorni sarà sotto seritto il nuovo concordato fra la S. Sede ed il Portogallo, e perciò non remane che ratificarbo dopo la relation approvazione delle Camere.

Col nuovo concordato poi alla Sede Metropolitana di Goa, vengono aggiunte tre Diocesi Suffragance, civè Daman, Crangoanor, e S. Thomé de Meliapour. Per le quattro Diocesi di Bombay, Mangalor, Quilon, e Maduré. che verranno erette colla costituzione della Gerarchia i Vescovi della Provincia col respettivo metropolitano formeranno una terna dentro la quale la Corona Portoghese sceglierà il Vescovo che riterrà mighore. In fine i gruppi principali dei Goanesi, che rimangono fuori della Prouvinco ecclesiastica Portoghese dihenderanno rispettivamente dagli Ordinarii di esse.

Come Vostra Eminenza facilmente comprenderà le antiche pretese del Portogallo vengono per tal quisa limitate di molto, e se non, si è ottenuto tutto quello che si aveva diritto di esigere, vi è luogo a sperare che le concession della Santa Sede sarnano largamente compensate.

La fondazione di una Provincia ecclesiastica Portoghese colle relative istituzioni, la quale si è in qualche maniera ricostituita colle Diocesi Portoghesi pre esistenti, ma però in territorii peù ristretti, la celsazione della guirisdizione straordinaria, e l'alsettamento regolare di quelle cristianità mentre varrauno ad eliminare gli inconvenienti che si deploravano pel passato potranno inoltre produrre seri e positivi vantaggi.

Quello poi che più monta si è che il Portogallo laseiando libero campo alla Santa Sede in tutto il rimanente territorio delle Indie, potrà quanto, prima fondarsi colà la Gerarchia ecclesiastica. Cotesta forma rispondente alle attuali condizione ed esigenze di quelle cristianita renderà più regogliosa la vita della chiesa nelle Indie, e vi forà prosperare tutte quelle istituzioni che un organamento normale, ed uno stato di crescente vitalità sogliono produrre. Vostra Eminenza raoviserà queste disposizioni non solamente conformi ai diritti della Santa Sede, ma anche alle manifestazioni del Governo Inglese. Daltronde solla costituzione della Gerarchia mentre si provvede ad una definitiva sistemazione della chiesa nelle Indiee d'altra parte si rende manifesto il progresso religioso che mole essere argomento e cagione anche del progresso civile di un popolo.

Pertanto nel pregare Vostra Eminenza di for conosceere al Signor Gladston, quanto la S. Sede ha determinato per la sistemazione degli affari religioso nelle Indie mi valgo con piacere della opportunita per confermarle i sensi del mio profundo ossequio, con eui le bacio umilissimanente le mani.

Dated Foreign Office, London, the 1st September 1886.

From—Sir T. V. LISTER, K.C.M.G., Assistant Under Secretary of State for Foreign Affairs.

To—Her Majesty's UNDER SECRETARY OF STATE for India.

With reference to my letter of 18th June I am directed by the Secretary of State for Foreign Affairs to transmit to you, to be laid before the Secretary of State for India in Council, the accompanying copies of two despatches from Her Majesty's Minister at Lisbon, with reference to a Convention between the Holy See and Portugal respecting Ecclesiastical Patronage in the East Indies.

|Mr. Petre, Nos. 42—46.

No. 42, dated Lisbon, the 29th July 1886.

From—George G. Petre, Esq., Her Majesty's Minister at Lisbon.

To—The Earl of Rosebery.

The official Gazette of yesterday published the text in Portuguese and Italian of the Convention between the Holy See and Portugal for the settlement of the questions at issue concerning the ecclesiastical jurisdiction of the Crown of Portugal in India, which was signed at Rome on the 23rd of last month. The Royal Decree ratifying this Convention is preceded by a very lengthy Report signed by the Ministers of Marine and Foreign Affairs, and is followed by a still more voluminous Report addressed by Senõr Martens Ferrao, the Portuguese Ambassador at Rome, who is at present in Lisbon, to the Minister for Foreign Affairs, treating of the whole question historically and juridically, and minutely detailing the progress and results of the negotiations. The letters exchanged between His Holiness and the King of Portugal in the months of January and February are also published in the Gazette.

I have the honour to inclose printed copies of all the documents above-mentioned, together with a translation of the Convention itself and of the Annex which is an essential part of it.

The terms of the Agreement which has thus put an end to a long and, at times, an acrimonious conflict, will be found to be nearly identical with those described in my despatch No. 32 of the 4th June.

An arrangement which, without wounding the national pride of Portugal, very considerably curtails and strictly defines the ecclesiastical jurisdiction claimed by her within the dominions of another Power, and, at the same time, puts an end to the scandal of religious and civil conflicts between Christian communities, will probably be considered unobjectionable by the Government of India.

Extract from the "Diario do Governo" of July 28, 1886.

(Translation.)

Royal Decree.

Taking into consideration the Report submitted to me by the Ministers and Secretaries of State for the Departments of Marine and Colonies and of Foreign Affairs, I hereby decree as follows:—

Article 1. The Convention signed at Rome on the 23rd June last, which, in accordance with the VIIth, Xth, XIVth, and XVIth Articles of the Concordat of the 21st February 1857, defines in a precise manner the limits of the Portuguese Bishoprics and lays down the conditions under which the exercise of the right of patronage of the Crown of Portugal in the East Indies shall continue in force, is hereby approved, and will be ratified within the period laid down in the XIIth Article of the same.

Article 2. The Government will render an account to the Cortes of the provisions contained in this Decree.

The Ministers and Secretaries of State for the Departments of Marine and Colonies and of Foreign Affairs shall accordingly carry this Decree into effect.

Given at the Palace, the 22nd July 1886.

(Countersigned.) THE KING.

Henrique de Macedo.

Henrique de Barros Gomes.

Convention.

In the name of the Most Holy Trinity.

His Holiness the Supreme Pontiff Leo XIII, and His Most Faithful Majesty the King Don Lewis I., being animated with the wish to favour and further the development of the Christian communities in the East Indies, and to settle in a stable and definitive manner the patronage therein of the Portuguese Crown, have determined to make a Concordat, and for this purpose they have appointed their Plenipotentiaries, as follows: on the part of His Holiness the Most Eminent and Reverend Cardinal L. Jacobini, his Secretary of State, and on the part of His Most Faithful Majesty, His Excellency the Councillor of State, João B. da S. Ferrão de Carvalho Martens, Ambassador Extraordinary, a Peer of the Realm, and

Honorary Minister of State, who after exchanging their respective full powers, which were found in due and proper form, have agreed upon the following Articles :—

ARTICLE I.

In virtue of the ancient Papal Concessions, the exercise of the Royal patronage of the Portuguese Crown shall continue in force, in accordance with the Sacred Canons, in the Cathedral Sees in the East Indies, subject to the modifications laid down in this Concordat.

ARTICLE II.

As regards the Metropolitan and Primatial Church of Goa, the Archbishop shall continue to exercise his Metropolitan rights in the dioceses which are suffragan thereto.

The Archbishop, *pro tempore*, will, owing to the Concession kindly made by His Holiness, be raised to the high dignity of Patriarch, *ad honorem*, of the East Indies, and will moreover enjoy the privilege of presiding over the Provincial Councils throughout the East Indies, which will usually be held at Goa, saving the right of the Supreme Pontiff to rule otherwise under special circumstances.

ARTICLE III.

The Ecclesiastical and Metropolitan Province of Goa will be composed, in addition to the Metropolitan See of the three following dioceses, namely, of Damao, and of the titular See of Cranganor, of Cochin, and of St. Thomas of Meliapor.

The limits of each of these three dioceses, as well as the various places under their respective jurisdiction, will be laid down in a separate Annex.

ARTICLE IV.

The Crown of Portugal shall exercise the right of patronage in the Metropolitan Diocese of Goa and in the three suffragan dioceses.

ARTICLE V.

In view of the advantages which may accrue to the faithful from the reconstruction of the said three dioceses and from a regularly constituted ecclesiastical province, a few of the principal groups of the so-called Goanese Christian communities, of which mention is made in the Annex above-mentioned, and which are not comprised within the limits assigned to the said three dioceses, shall be annexed to the latter, with due regard to the homogeneous material and moral elements which surround them, and point out the expediency of their being joined together.

In the Goanese Missions of the other dioceses the Ordinary will give the preference to Goanese or Portuguese priests, subject to him as regards any appointments for the cure of souls.

ARTICLE VI.

The Portuguese Government on their part engage to provide for the proper endowment of the said dioceses referred to in the IIIrd Article of this Concordat, and of the Cathedral Chapters, of the clergy and of the seminaries, and to co-operate in an effectual manner with the respective Bishops for the foundation of schools, orphan asylums, and of other establishments that are requisite for the welfare of the faithful, and for the spread of the Gospel among the infidels.

ARTICLE VII.

With respect to the four dioceses of Bombay, Mangalor, Quilon, and Maduré, which will be erected on the establishment of the hierarchy in the East Indies, the Metropolitans, together with their suffragans in the event of any of the said Episcopal Sees falling vacant, and the Suffragan Bishops of the province in the event of the Archiepiscopal See falling vacant, shall, of their own free will, draw up a list of three names for communication to the Archbishop of Goa, who will forward the same to His Majesty the King of Portugal, who shall be bound to present, within the period of six months, a candidate to the Holy See selected from among the three names proposed. Should no such presentation have been made within the period of six months, the Holy See shall be at liberty to select any person it may think fit.

ARTICLE VIII.

The Archbishops and Bishops of the four dioceses mentioned in the foregoing Article, and which are to be created upon the establishment of the ecclesiastical hierarchy, shall for the first time be named by the Supreme Pontiff.

ARTICLE IX.

The Christian communities of Malacca and Singapore, which are now placed under the extraordinary jurisdiction of the Archbishop of Goa, will in future be subject to the jurisdiction of the Bishop of Macao.

ARTICLE X.

The patronage of the Crown of Portugal being thus settled, throughout the rest of the territory in the East Indies, the Holy See shall enjoy full liberty of appointing Bishops, and of adopting any measures it may deem expedient for the welfare of the faithful.

ARTICLE XI.

The former Concessions relative to the patronage of the Crown of Portugal in the East Indies having been thus modified and interpreted, the IIIrd, IVth, Vth, and VIth Articles, as well as the Annex (A) of the Concordat of the 21st February 1857, shall continue in force.

ARTICLE XII.

The present Treaty, together with its Annex, which is an integral part thereof, shall be ratified by the High Contracting Parties, and the ratifications shall be exchanged at Rome within three months from the date of the signature of the same, or sooner if possible.

(L.S.) L. CARDINAL JACOBINI.

(L.S.) JOAO B. DA S. FERRAO DE CARVALHO MARTENS.

Rome, June 23, 1886.

Annex to the Third Article of the Concordat of June 23, 1886.

I. The Patriarchal Metropolitan and Primatial See of Goa will comprise :—

1. The whole territory of the Portuguese possessions in India at present belonging to Portugal, with the exception of the districts of Damao and Diu, which will appertain to the Suffragan Diocese of Damao and Titular Diocese of Cranganor, in accordance with the IIIrd Article of this Concordat.

2. Northern Canara, with the Christian communities of either jurisdiction existing there, and which at present are the following, namely :—

Of Sadahisgor, of Sunkerry, of Karwar, of Ankola, with the Christian communities of Bingi, Chindierro, Bollingolly, Yellopor ;

Of Sircy, of Honowar, with the Christian communities of Kiroly, Boteul, Ferquembat ;

Of Chandowar and Coompta ;

Of Golmuna, with the Christian communities of Sounxim, Munkim, and Baitur ;

which will thus constitute a continuous diocesan territory under the ordinary jurisdiction of Goa.

3. The Christian communities at present existing within the above-mentioned division of territory which are now subject to the other jurisdiction will be placed under the ordinary jurisdiction of Goa.

II. The Diocese of Damao and Titular of Cranganor, now created in virtue of the VIIth Article of the Concordat of the 21st February 1857, will be thus formed :—

No. 1.

1. Of the districts of Damao and Diu, at present under the ordinary jurisdiction of the Archbishop of Goa ;

2. Of that part of the district of Broach lying to the south of the River Norhadda, and of the district of Surat ;

3. Of the district of Northern Kenkam;

4. Of the actual "varado" (territorial deanery) of the Islands of Salcate and Trombay;

5. Of the actual "varado" (territorial deanery) of Baçaim;

which will thus constitute a continuous diocesan territory subject to the ordinary jurisdiction of the diocese.

6. The under-mentioned Christian communities and establishments at present under the jurisdiction of the Vicar-Apostolic are excepted :—

In the district of Surat, the churches and parishes of Surat and Balsar.

In the Islands of Salcete and Trombay, the churches and whole parishes of Marolis and of Maucy in the Island of Trombay, at present under the jurisdiction of the Vicar-Apostolic, together with the establishments under the said jurisdiction appertaining thereto.

In Bandora, the church at present under the jurisdiction of the Vicar-Apostolic, with St. Stanislaus' Institute and St. Joseph's Convent, which already belong to him, as well as the churches of Juven, Condotina, and Culven, which are likewise under the jurisdiction of the Vicar-Apostolic.

7. In order to prevent any confusion, it is hereby declared that, in the actual "varados" (territorial deaneries, Nos. 4 and 5) of Salcete and Baçaim, the whole of the Christian communities, which are at present subject to the jurisdiction of the Arch-Diocese of Goa, shall, in future, continue to be subject to the ordinary jurisdiction of the Diocese of Damao; the Christian communities which are excepted in No. 6 not being at present under the jurisdiction of Goa.

No. 2.

The whole of the Christian communities, together with the churches, chapels, and establishments belonging to them, as well as their property and revenues in the City and Island of Bombay, which are at present under the jurisdiction of the Archbishop of Goa, shall also, in future, belong to the Diocese of Damao; for the sake of clearness they are named here, as follows :—

1. Masagao, together with the church and establishments belonging to it, and with the Chapel of St. Francis Xavier at Colaba, as well as the establishments appertaining thereto;
2. St. Francis Xavier at Dalbul;
3. Caval (Our Lady of Dolours), with the chapel at Lonpoor;
4. Upper Mahim (St. Michael's), with the Chapel of Good Counsel at Sion, as well as the school appertaining thereto;
5. Lower Mahim (Our Lady of Salvation), together with the chapels of Matenga and Parel, as well as the college and schools annexed thereto;

III. The limits of the Diocese of Cochin—Suffragan to Goa—are fixed as follows, and will comprise :—

No. 1.

1. The City of Cochin, together with all the Christian communities, churches, and chapels, as well as any other establishments appertaining thereto.

2. The following districts, with the Christian communities therein, subject to either jurisdiction, namely :—

Maltanchery and Amarambady (subject to the jurisdiction of the Archbishop and of the Vicar-Apostolic).

Pallaruti (under the jurisdiction of the Vicar-Apostolic).

Idacochi, Arus, Punuguto, and Perumpadippu.

Manasherry (St. Lewis).

Manasherry (St. Michael).

Caunnamale.

Candacadavuy.

Combalanganguy.

Chellanam (St. Sebastian).

Chellanam (St. George).

Pollitodu.

Truvine (subject to the jurisdiction of the Vicar-Apostolic and of the Archbishop).

Manacudam and Toveur.
Pallipuram.
Bendurti and Tevere.
Tanghi.
Arthungal (St. George).
Arthungal (St. Andrew), and Mararicolam and Chetti.
Mararicolam (under the jurisdiction of the Archbishop of Goa).
Kattur (Archbishop's jurisdiction).
Aleppi (jurisdiction of the Archbishop and of the Vicar-Apostolic).
Vattalunyhal (Archbishop's jurisdiction).
Pungavu (jurisdiction of Vicar-Apostolic).
Tumboly (jurisdiction of the Archbishop and of the Vicar-Apostolic).

No. 2.

In the actual Apostolic Vicariate of Quilon the under-mentioned Christian communities :—

1. Aravola ;
2. Caringolam ;
3. Pontorré ;
4. Tutur ;
5. Waliatowe ;
6. Velli ;

including the whole of the churches, chapels, establishments, property and revenues appertaining thereto.

IV. The limits of the Diocese of St. Thomas of Meliapor—Suffragan to Goa—are fixed as follows :—

No. 1.

1. The city of St. Thomas of Meliapor, with all its Christian communities subject to either jurisdiction, and with those of St. Thomas' Mount, including the churches, chapels, and establishments appertaining thereto, and also at

Palavaram, and
Cavelung and Chinglepett ;

with the following boundaries :—On the east the Gulf of Bengal ; on the north, Edward Elliot's Road and St. George's Cathedral Road ; on the west, the road from Madras to Congeveran as far as the River Palar ; on the south, the River Palar as far as the sea ; the whole of which will thus constitute a continuous diocesan territory.

2. In the actual Apostolic Vicariate of Maduré :—

The Christian communities subject to either jurisdiction, including the whole of the churches, chapels, as well as any other establishments appertaining thereto that are situated in the districts of

Tangiore ;
Rigapatam ; and
Manargudi ;

the boundaries being on the east, the Gulf of Bengal ; on the north, the rivers called Vettar and Vemar ; on the west and south the several limits of the districts of Tangiore, Manargudi, and Nizagapatam, which will thus constitute a continuous diocesan territory.

No. 2.

1. All the Christian communities, churches, chapels, as well as any other establishments appertaining thereto, together with the properties and revenues of the same at Calcutta and at Dacca or Daka, which are at present under the jurisdiction of the Portuguese Vicar-General of Bengal, and which for the sake of clearness are mentioned here, namely :—

Boitakanah, in the city of Calcutta ;
Chinzurah ;

Bandel, in the district of Hooghly, together with the schools appertaining thereto.

At Dacca or Daka, the Christian communities of Dacca (Our Lady of Mercy);

Tesgao (Our Lady of the Rosary);

Nagory (St. Nicholas' Tolentine);

Hosnabad (Our Lady of the Rosary);

with the Christian communities which are at present either annexed to or dependent thereon;

Shibpur (Our Lady of Guidance)

likewise, with the Christian communities which are at present either annexed to or dependent thereon.

2. The Christian communities, together with their churches and chapels now exclusively subject to the jurisdiction of the Archbishop of Goa, and situated within the actual limits of the Vicariate Apostolic of Maduré.

As regards the small villages therein under the two jurisdictions, the two Bishops of St. Thomas and of Maduré will draw up equitable proposals, in order that the Holy See and the patron may decide to which of the two jurisdictions they shall be subject for the future.

V. Although the declaration has already been made, nevertheless, for greater clearness, and in order to obviate any doubts for the future, it is hereby declared that whenever this Annex treats of Christian communities, it is understood that it means all the churches, chapels, as well as any other establishments that may be annexed to or dependent upon the same, together with the whole of their property and revenues.

Compensation will be given for any property belonging either to Portugal or to the Vicars-Apostolic at any places that may be mutually ceded. These matters shall be settled by the respective Bishops and Vicars-Apostolic by whom they are to be submitted to the consideration of the Holy See and of the Portuguese Government.

L. CARDINAL JACOBINI.

JOAO B. DE S. FERRAO DE CARVALHO MARTENS.

Rome, 23rd June 1886.

No. 46, dated Lisbon, the 5th August 1886.

From—George G. Petre, Esq., Her Majesty's Minister at Lisbon.

To—The Earl of Iddesleigh.

Supplementing my despatch No. 42 of the 29th ultimo to the Earl of Rosebery, I have the honour to inclose translation of those portions of the Reports signed respectively by the Ministers for Foreign Affairs and Marine, and by Senhor Martens Ferrão, the Portuguese Ambassador to the Holy See, which were published at the same time as the Convention concluded between the latter and Portugal on the 3rd June last, in which special reference is made to Great Britain.

M. de Barros Gomes states the case fairly enough in admitting that the Portuguese patronage was always contested as a right by the British Government, but was tolerated so long as a good understanding prevailed on the subject between Portugal and the Holy See. M. Martens Ferrão, however, goes much farther than this, and, as a jurist, upholds the Treaty right of Portugal from an international point of view, and even adds that not a single jurist will be found to maintain a contrary opinion. This is, to say the least, a very bold assertion; and, as the attitude of Her Majesty's Government has been one of complete neutrality as between Portugal and the Vatican, it is not very clear what purpose it served to make it.

I have always maintained in my conversations with the Ministers for Foreign Affairs and others that the Treaty of Bombay did nothing more than guarantee the free exercise of their religion and the fullest religious toleration to the Roman Catholic population, whose allegiance was transferred by that Treaty to the British Crown, and that I did not see now it was possible to construe it into a recognition of the ecclesiastical jurisdiction of Portugal over the whole territory of Hindoostan, not a foot of which at the time, except the Island of Bombay, belonged to England.

Extract from the "Diario do Governo" of July 28, 1886.

(Translation.)

Extract from the Report of the Ministers of Marine and Foreign Affairs relative to the Convention between the Holy See and Portugal, with reference to Portuguese Ecclesiastical Patronage in the East Indies, signed at Rome, June 23, 1886.

In addition to the complex causes which in Portugal, at the Vatican, and in India had placed the ancient and venerable right of patronage in that violent condition, there were others at times of an international nature which were extremely delicate, and connected the probable fate of the patronage with the vicissitudes of politics and of parties in a foreign nation. The traditional attitude of that nation with regard to religious matters might recognize that right of patronage as a matter of fact so long as a good understanding was maintained between Portugal and the Supreme Pontiff, but always contesting it as a right, and not tolerating it as the origin, as it might be, and as it then was, up to a certain point, of dissensions and of disturbances of the public peace in the vast empire placed under her dominion.

Extract from the Report of Senhor Martens Ferrão, Portuguese Ambassador to the Vatican, respecting the Negotiations for the Covention signed by him at Rome, June 23, 1886.

Lisbon, July 15, 1886.

2. England, as a non-Catholic country, ever since she put an end to ancient contentions, has kept entirely aloof from all questions of Catholic jurisdiction in her vast and differently situated possessions, as well as in Great Britain. The reason of this is both historical and administrative. It is not my business to discuss this historical point, or to analyze the special features of English administration, which is in accordance with the character and conditions of the people over whom it rules.

In the Memoranda which I presented to the Holy See, especially in the one of the 15th February, I mentioned several facts that had occurred in Hindostan of great importance as regards this matter.

In this place I shall only state, in a few words, that the regular exercise of Portuguese patronage in Hindoostan is based, as far as England is concerned, upon the obligatory force of Treaties as well as upon tradition, and upon an uninterrupted possession up to the present.

I must observe as a principle that the recognition of the patronage is made on the part of the Holy See, because its effects are solely and purely canonical; and, as the Supreme Pontiff freely governs the various Churches and Missions, he can, as he has always done, recognize the canonic title-deeds of the existing patronage, and accept the exercise of the same, as it is *de jure* accepted.

But this, which is a general doctrine, in view of the manner in which England accepts the free administration of the Catholic Church, is based, as regards the Portuguese patronage in India, on the right of Treaties.

In the Bombay Treaty of the 23rd June 1661, which is subsequent to the establishment of all the patronage bishoprics in India, as I have shown, the following stipulation is made in the XIth Article:—

"The inhabitants of the said island (as the King of Great Britain's subjects, and under his sovereignty, Crown, jurisdiction, and Government) being suffered still to live there, and enjoy the free exercise of the Roman Catholic religion, in the same manner as they now do, it being understood and declared once for all that the same order shall be observed for the exercise and preservation of the Roman Catholic religion in Tangier, and all other places which shall be delivered by the King of Portugal into the possession of the King of Great Britain, as was provided for and agreed upon, the delivery of Dunkirk into the hands of the English," &c.

As Catholicity was not at the time received either in England or in her dominions, it is clear that the carrying out of that condition depended upon the maintenance of the Portuguese ecclesiastical hierarchical order in those regions, as existing at that time, that is to say, provided by the patron, and organized in the various Portuguese dioceses, as had long been the case, verily the legal *statu quo* not only at Bombay, but throughout the whole of India.

In the record of the delivery of Bombay on the 18th February, 1665, as transcribed in Mr. Biker's collection, the following declaration is to be found:—

"Item que não se intrometterão os Senhores Inglezes nas materias da fé nem obrigarão os moradores da dita ilha de Bombaim, nem directa nem indirecta a muder de crença, nem de ouvir suas predicas, e deixarão aos ministros ecclesiasticos

exercitar suo juridicão, sem impedimento algum, por ses esta condição expressa nós capitulos da paz, e debaixo da qual seilhes mandar fazer a entrega; e fazendo em algum tempo o contrario se entenderá que quebraram o assentado e promettido, e recairá o direito da dita ilha para a Coroa de Portugal.”

“Item that the English shall not concern themselves in matters of faith nor oblige the inhabitants of the said Island of Bombaim directly or indirectly to alter their belief, nor to come to hear their sermons. And they shall let the ecclesiastical ministers exercise their jurisdiction without any disturbance, this express condition being in the Articles of peace, and under it the delivery is commanded to be made to them, and they doing at any time to the contrary, it shall be understood a breach of what is let down and promised, and the right of the said Island shall return to the Crown of Portugal.”

And further on :—

“Item que aos parochos e religiosos que assistem em Bombaim se terá todo o respeito devido e promettido, e as igrejas não serão tomadas para uso algum, nem n'ellas se façam predicas, e aos que o intentarem, se de o castigo devido que sirva de exemplo.”

“Likewise that due respect, as promised, shall be shown to the parish priests and friars residing at Bombay, and that the churches shall not be seized for any purpose, and that no sermons shall be preached therein, and that any persons attempting to do so shall be duly punished so as to serve as an example.”

In the work named “Quadro elementar das Relações Politicas e Diplomaticas de Portugal com as diversas Potencias do Mundo” (“Schedule of the Political and Diplomatic Relations between Portugal and other Nations of the World”), the following passage is to be found in the part relating to this period, which I transcribe :—

“16 de Agosto de 1663. Carta regia mandada excutar em nome das conveniencias particulares do Estado da India. Por ella se declarou formal e explicitamente a reserva que fazia a Coroa de Portugal *in perpetuum*, do padroado com todas as regalias que até então gozára, acrescentando que os pleitos civis dos Christãos Catholicos seriam decididos com assistencia do feitor que el Rei de Portugal nomeasse, e ordenando que só quando elle o julgasse necessario teria logar a appellacão para as justiças Inglezas, correndo o processo perante ellas, mas sempre na lingua Portugueza.”

“16th August, 1663. Royal letter ordered to be carried into effect in view of the special expediency of the State of India. The reservation made by the Crown of Portugal *in perpetuum* of the patronage, together with all the privileges enjoyed up to that time, is formally and explicitly declared therein, and it is added that the civil suits of the Christian Catholics would be decided in the presence of the factor appointed by the King of Portugal, and commanding that no appeal should be made to the English Judges unless he should deem it necessary, in which case the suits would be pleaded before them, but always in the Portuguese language.”

The same document gave the assurance that the British Government would treat us with perfect friendship in every place, as if the two nations in India formed one only nation, and that for this purpose assistance would be rendered in every respect in order to carry into effect the Decrees of the Crown of Portugal.

The Royal letter also added that the actual vicars and their successors would be appointed by the Prelate of Goa as until then, and that the churches of Bombay would continue under the Royal patronage with all the rights and privileges thereunto appertaining, His Majesty reserving the same for himself and his successor absolutely and for ever, in such a manner that any infraction of this principal Article would render all the other clauses of the first Treaty and of the recent Convention—to which the foregoing Articles concerning the delivery had reference—null and void, so that, should any one of the same be either broken or altered, the whole should be looked upon as revoked, and the whole right of sovereignty over the Island of Bombay would again revert to the Crown of Portugal.

The said author, in referring to the aforementioned deed of the delivery of Bombay, as quoted in Mr. Biker's collections, says that the same is to be found in the Public Library at Evora, MSS. Cod : CXVI—39, p. 305.

Senhor Conselheiro Barrosé Sá, in a very learned speech delivered by him at a sitting of the Chamber of Peers during the last Session treated this matter at great length.

With regard to this subject, the Convention between Antonio de Mello e Castro, Viceroy of the States of Portuguese India, and Abraham Thepman, Governor of British India, relative to the delivery of Bombay, may also be consulted; it is to be found in the General Register of the Office of the State of Goa, in accordance with the above-quoted reference.

Consequently, the provisions of the Treaty of 1661—the conditions of which constitute a legal onus—the explicit condition set forth at great length in the authentic Royal letter of 1663, of which I have quoted the substance, as well as the official record of the possession taken, likewise transcribed, are incontestible documents in support of the Portuguese rights. These express documents regulate the mutual rights and obligations of the parties concerned. But above all these documents there is the fact which constitutes a right in international law—that is, the long and peaceable possession of the full exercise of the Portuguese patronage in all the cathedral churches of Hindoostan, and in all the Christian communities dependent thereon, founded on a lawfull title both evident and recognized; which possession has, moreover, been uninterruptedly exercised both before and after the establishment of the British dominion. This fact, even if those documents did not exist at all, would, *per se*, constitute a legal right which could not be impugned *boná fide*. Ancient and modern writers on international law such as Watel, Hoefter, Bluntschli, Calvo, Martens, and others are quite agreed upon this point.

Even if those diplomatic documents, which are a most valid proof that a respect for the Portuguese patronage in India was made a condition for the dominions and rights ceded in the Treaty of 1661 did not exist at all, the uninterrupted possession of a fact based upon Concessions granted by the Holy See subject to onerous obligations, carried on without opposition and in a peaceable manner for centuries in the churches of India, would exhibit all the characteristics of a tacit Treaty, and would therefore constitute, as regards Portugal, a real title based on international law. Not a single legist will be found to maintain a contrary opinion.

Dated Foreign Office, London, the 2nd September 1886.

From—Sir T. V. Lister, K.C.M.G., Assistant Under Secretary of State for Foreign Affairs.

To—Her Majesty's Under Secretary of State for India.

With reference to my letter of the 1st instant, I am directed by the Earl of Iddesleigh to state to you, for the information of the Secretary of State for India in Council, that Her Majesty's Ambassador at Rome reports, under date of the 20th ultimo, that he has been informed by the Portuguese Chargé d' Affaires to the Holy See that he signed on the 16th ultimo, with Cardinal Jacobini the Ratifications of the Concordat recently concluded between Portugal and the Vatican, for the regulation of Ecclesiastical Jurisdiction in the East Indies.

Dated Foreign Office, London, the 17th September 1886.

From—Sir T. V. Lister, K.C.M.G., Assistant Under Secretary of State for Foreign Affairs.

To—Her Majesty's Under Secretary of State for India.

With reference to my letter of the 2nd instant, I am directed by the Secretary of State for Foreign Affairs to transmit to you, to be laid before the Secretary of State for India in Council, copy of a despatch as marked in the margin relating to the Concordat between Portugal and the Vatican.

Sir J. Lumley, No. 232, dated 27th August 1886.

No. 232, dated Rome, the 27th August 1886.

From—Right Hon'ble Sir J. S. Lumley, G.C.B., Her Majesty's Ambassador at Rome.

To—The Earl of Iddesleigh.

I have the honour to inclose herewith copy of the Concordat concluded between the Holy See and Portugal, which was signed on the 23rd June by Cardinal Jacobini and the Portugese Envoy to the Vatican, Don Silva Ferrao de Carvalho Martens, and which has been published in the "Moniteur de Rome" of this date.

Extract from "Le Moniteur de Rome" of August 26, 1886.

Concordat stipulé le 23 Juin, 1886, entre le Saint-Siège et le Portugal.

Au nom de la Très Sainte Trinité.

SA Sainteté le Souverain Pontife Léon XIII et Sa Majesté Très Fidèle le Roi Dom Louis I, animés du désir de favoriser les progrès du Christianisme aux Indes Orientales, et d'y régler d'une manière stable et définitive le Patronat de la Couronne de Portugal, ont résolu de faire un Concordat. Ils ont nommé à cet effet

deux Plénipotentiaires, c'est-à-dire, au nom de Sa Sainteté, l'Eccellentissime et Reverentissime Cardinal Ludovic Jacobini, son Secrétaire-d'Etat, et, au nom de Sa Majesté Très Fidèle, son Excellence M. Jean-Baptiste da Silva Ferrão de Carvalho Martens, Ambassadeur Extraordinaire et Ministre d'Etat honoraire ; lesquels, ayant échangé leurs pleins pouvoirs respectifs, et les ayant trouvés en bonne et due forme, sont convenus d' adopter les Articles suivants :—

ARTICLE I.

En vertu des anciennes concessions Pontificales, l'exercice du Patronat de la Couronne de Portugal sera continué, conformément aux règles canoniques, dans les Eglises Cathédrales des Indes Orientales, d'après les modifications énoncées dans le présent Concordat.

ARTICLE II.

Quant à l'Eglise Métropolitaine et 'Primatiale de Goa, l'Archevêque continuera d'exercer ses droits de Métropolitain dans les diocèses suffragants.

Par une bienveillante concession de Sa Sainteté, l'Archevêque *pro tempore* sera élevé à la dignité de Patriarche *ad honorem* des Indes Orientales, et il jouira, en outre, du privilège de présider les conciles nationaux de toutes les Indes Orientales, lesquels se réuniront d'ordinaire à Goa, sauf le droit du Pape d'en disposer autrement dans des circonstances particulières.

ARTICLE III.

La province ecclésiastique de Goa sera composée, outre le siège Métropolitain des trois diocèses de Damau ayant aussi le titre de Cranganor, de Cochin, et de Saint Thomé de Meliapor.

Les limites de ces trois diocèses et les lieux qui leur sont sujets seront indiqués dans une feuille séparée.

ARTICLE IV.

Dans le diocèse Métropolitain de Goa, de même que dans les trois diocèses suffragants, le droit de Patronat sera exercé par la Couronne de Portugal.

ARTICLE V.

En vue des avantages qui, par suite de la reconstitution des trois diocèses sus-indiqués, et, partant, d'une province ecclésiastique régulière, pourront résulter en faveur des fidèles de ces contrées, il reste convenu que quelques-uns des groupes principaux des Chrétientés Goanaises, tels qu'ils sont indiqués dans une annexe spéciale, bien que n'étant pas compris dans les limites des trois diocèses susmentionnés, y seront néanmoins agrégés, eu égard aux éléments matériels et moraux d'homogénéité qui les assimilent a ces mêmes diocèses.

Dans les missions Goanaises des autres diocèses, l'Ordinaire devra confier de préférence le soin des âmes à des prêtres Goanais ou Portugais relevant de son autorité.

ARTICLE VI.

Le Gouvernement Portugais prend l'engagement de pourvoir a la dotation convenable des diocèses susmentionnés, des chapîtres, du clergé, et des séminaires, et il coopérera d'une manière efficace à seconder l'action des Évêques, pour fonder des écoles, des orphelinats, et d'autres institutions requises pour le bien des fidèles et l'évangélisation des païens.

ARTICLE VII.

Pour les quatre diocèses de Bombay, Mangalor, Quilon, et Maduré, qui seront érigés par l'institution de la hiérarchie aux Indes, les Métropolitains avec les Évêques suffragants, à la vacance des sièges épiscopaux, de même que, à la vacance du siège archiépiscopal, les suffragants de la province formeront une *terne* à leur libre choix et la communiqueront à l'Archevêque de Goa, qui la remettra à la Couronne, et celle-ci devra présenter au Saint-Siège un candidat, sur les trois compris dans la *terne*, dans un délai de six mois, après lequel la liberté du choix est dévolue au Saint-Siège.

ARTICLE VIII.

Le Souverain Pontife nommera pour la première fois lès Archevêques et les Évêques des quatre diocèses indiqués à l'Article précédent, diocèses qui seront fondés dès qu'aura lieu la constitution de la hiérarchie ecclésiastique.

ARTICLE IX.

Les Chrétientés de Malacca et de Singapour, actuellement dépendantes de la juridiction extraordinaire de l'Archevêque de Goa, seront sujettes à la juridiction de l'Evêque de Macao.

ARTICLE X.

Le Patronat de la Couronne étant ainsi réglé le Saint-Siege jouira, dans tout le territorie restant des Indes Orientales, de la pleine liberté de nommer les Evêques et de prendre les résolutions qu'il croira opportunes pour le bien des fidèles.

ARTICLE XI.

Les concessions précédentes relatives au Patronat de la Couronne aux Indes Orientales étant modifiées et interprétées de la sorte, les Articles 3, 4, 5, 6, et l'Annexe A du Concordat de 1857 restent en vigueur.

ARTICLE XII.

Le présent Traité avec son annexe, qui en forme partie intégrante, sera ratifié par les Hautes Parties Contractantes, et les ratifications seront échangées à Rome, dans le terme de trois mois à dater de la signature, ou avant si c'est possible.

Rome, le 23 *Juin*, 1886.

L. Card. JACOBINI.

JEAN-BAPTISTE DE SILVA FERRAO DE CARVALHO MARTENS.

Government of India Central Printing Office.—No. 999 H. D.—1-3-87.—300.

Exd.——W. B. G.

No. 101 (Public—Ecclesiastical), dated India Office, London, the 4th November 1886.

From—Her Majesty's SECRETARY OF STATE for India.

To—His Excellency the Right Honourable the GOVERNOR GENERAL of India in Council.

IN continuation of my Despatch of the 7th ultimo, No. 87, I transmit copy of a further letter* from the Foreign Office, with enclosure, on the subject of the Concordat recently concluded at Rome respecting the Roman Catholic Ecclesiastical Patronage in India.

* Dated 29th September 1886, and enclosure.

2. With reference to the Despatch from the Government of Bombay, dated the 13th ultimo, No. 7, I request that Your Excellency in Council will inform that Government, in connection with any communication Your Government may address to them on the subject of this Concordat, that I have received and forwarded to the Foreign Office a copy of the petition from certain Parishioners of the Roman Catholic Churches in Bombay, Salsette, and Bassein protesting against their subjection in ecclesiastical matters to the spiritual jurisdiction of the Crown of Portugal and of Bishops appointed by that Power.

Dated Foreign Office, the 29th September 1886.

From—Sir T. V. LISTER, K.C.M.G., Assistant Under Secretary of State for Foreign Affairs.

To—Her Majesty's UNDER SECRETARY OF STATE for India.

WITH reference to my letter of the 1st instant, I am directed by the Secretary of State for Foreign Affairs to transmit to you, to be laid before the Secretary of State for India in Council, a copy of a Despatch, as marked in the margin, relating to a petition addressed to the King of Portugal by the Roman Catholic inhabitants of Ceylon against the ratification of the Papal-Portuguese Convention respecting Ecclesiastical Patronage in India which was signed at Rome on the 23rd of June last.

Mr. Petre, No. 52, dated 30th August 1886.

No. 52, dated Lisbon, the 30th August 1886.

(Received 3rd September.)

From—Mr. GEORGE G. PETRE.

To—The EARL OF IDDESLEIGH.

A PETITION purporting to be signed by 1,500 of the Roman Catholic inhabitants of Ceylon against that portion of the Concordat signed at Rome on the 23rd June last, which excludes Ceylon from the spiritual jurisdiction of the Primate of Goa, has been sent to the King of Portugal. It is dated Colombo, 29th July. I do not think it worth while troubling Your Lordship with a translation of this lengthy document, in which His Most Faithful Majesty is asked to withhold a ratification which has already taken place. The petitioners not only extol the merits of the Goanese Clergy, and deplore their deprivation of the blessings of the Portuguese Patronage, but they speak in most disparaging terms of the Vicars-Apostolic and the Clergy under their jurisdiction. They even go so far as to say that it would be "cruel and intolerable" to place them under that "abominable yoke."

Whatever blessings the Portuguese Patronage may have conferred, Christian charity, as far as these petitioners are concerned, does not appear to be one of them.

No.

COPY, with copy of the Despatch marginally noted, forwarded to the Government of $\frac{\text{Madras}}{\text{Bombay}}$ for information, in continuation of Home Department endorsement No. $\frac{2}{2}\frac{1}{1}\frac{7}{8}$, dated 6th August 1886.

No. 87, dated 7th October 1886.

By Order,

HOME DEPARTMENT,
(ECCLESIASTICAL);
Calcutta, the January 1887.

J. P. HEWETT,

Offg. Under Secy. to the Govt. of India.

S.C.

CONFIDENTIAL. 62/1887

Government of India Central Printing Office.—No. 998 H. D.—10-1-87.—93.

Exd.—N. C. D.